

Planning and Licensing Committee

Tuesday, 02 June 2015 at 10:30

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

AGENDA

- 1 To note the appointment of Councillor John Wilkinson as Chairman and Councillor Sue Saddington as Vice-Chairman by the County Council on 14 May 2015
- 2 To note the membership of the Planning and Licensing Committee:- Roy Allan, Andrew Brown, Steve Calvert, Jim Creamer, Rachel Madden, Sue Saddington, Andy Sissons, John Wilkinson, Keith Walker, Yvonne Woodhead, Jason Zadrozny
- 3 Minutes of the last Meeting 28 April 2015 3 - 8
- 4 Apologies for Absence
- 5 Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary)
- 6 Declarations of lobbying
- 7 Creation of New Three Classroom Teaching Block and Additional Car Parking Heatherley Primary School Heatherley Drive Forest Town 9 - 46
- 8 Brierley Forest Primary School Westbourne View Sutton in Ashfield 47 - 100
- 9 Trent Skip Hire Limited Quarry Farm Transfer Station Bowbridge Lane New Balderton Newark 101 - 176
- 10 Bunny Recycling Facility Loughborough Road Bunny Johnsons Aggregates Recycling Ltd. 177 - 218

11	Cromwell Quarry Land to the East of the A1 Slip Road A1 Cromwell Newark	219 - 262
12	Annual Report on Planning Monitoring and Enforcement Work 1 April 14 to 31 March 15	263 - 272
13	Development Management Report	273 - 286
14	Work Programme	287 - 290

Notes

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

Customer Services Centre 0300 500 80 80

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

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

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

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 28 April 2015 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

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

Roy Allan	A	Rachel Madden
Andrew Brown		Andy Sissons
Steve Calvert		Keith Walker
Jim Creamer		Yvonne Woodhead
A Stan Heptinstall MBE		

ALSO IN ATTENDANCE

Councillor Keith Longdon

OFFICERS IN ATTENDANCE

David Forster – Democratic Services Officer
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning
David Kerfoot – Solicitor
Oliver Meek – Senior Planning Officer
Jonathan Smith – Principal Planning Officer

MINUTES OF LAST MEETING HELD ON 24 MARCH 2015

The minutes of the meeting held on 24 March 2015 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stan Heptinstall MBE (Personal) and Rachel Madden (Personal)

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

There were no declarations of interest

DECLARATIONS OF LOBBYING OF MEMBERS

There were no declarations of lobbying

CHANGE IN ORDER OF BUSINESS

With the consent of the Committee the Chairman changed the order of business to take agenda item 5 later on the agenda to allow the speaker who has registered to attend.

ERECTION OF A PREFABRICATED BUILDING FOR USE AS A 30 PLACE PRE-SCHOOL NURSERY LAND TO THE REAR OF MEMORIAL HALL MARSH LANE FARNDON NEWARK

Mr Smith introduced the report and gave a slide presentation. He highlighted that Sport England and the Parish Council supported the application given the fact it was being proposed on Recreational grounds in the village.

Following the opening remarks of Mr Smith, Mrs Stanton, Chair of the Pre-School Nursery, spoke in favour of the application and highlighted the following:-

- This enables the opportunity to off an early years' service in the village otherwise the nearest service would be 6 miles away
- This service has been praised for its work with boys as this is a huge issue within the education system.
- Research undertaken shows that this site is the best one for the village and proximity to the school to allow a seamless transition for the children.
- The plans were revised to allow the junior football pitch to be kept
- Traffic surveys have been undertaken regarding travel habits of the parents of children who attend the early years' sessions and only 2.8% drive to drop of their children.

In response to a question Mrs Stanton replied that travel to the pre-school will continue on foot because it will be easier than travelling by car.

Mr Baker representing Farndon Parish Council spoke in favour of the application and highlighted the following:-

- The application has the full support of the Parish Council.
- There would be no disruption to the playing field and its use by the public.
- The grant secured for the refurbished children's playground will be worthwhile as more families will use it when picking up their children from the pre-school.
- There will be access at all times to the pre-school because of an agreement between the Memorial Hall Committee and the Farndon Parish Council.

There were no questions.

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

RESOLVED 2015/018

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

DESIGN AND CONSTRUCTION OF CONCRETE SKATE PARK CORONATION PARK PLUMPTRE WAY EASTWOOD

Mr Smith introduced the report and gave a slide presentation. He informed members that there had been further concerns lodged via the Councils Complaints Team. He reported that the concerns raised were already covered in the report and therefore no action was needed. He also reported that Severn Trent Water had replied that they have no objections to the application.

Mr Smith informed members that there was an amendment to Condition 8 set out in the Appendix attached to the report which will now read as follows :-

The construction of the skatepark hereby approved shall not commence until its footprint, along with the section of the line of the public surface water drain which runs across the park in close proximity to the skatepark, have been marked out in accordance with details previously submitted to, and approved in writing by, the CPA. The submitted details shall also include details of any minor works required to the slope to the south of the bowling green required in order to accommodate the footprint of the skatepark whilst maintaining the stability of the slope. The line of the drain marked out shall be restricted to that which falls within the application site as identified on Drawing Number H/PELJ.50000.15/01 – Site Location Plan received by the CPA on 21 January 2015. The line of the drain and the footprint of the skatepark shall be marked out in accordance with the approved details and thereafter maintained throughout the construction period to ensure the skatepark is constructed whilst providing a suitable stand-off from the line of the drain, and any minor works to the slope adjacent to the bowling green shall also be carried out in accordance with the approved details.

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

RESOLVED 2015/019

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 set out in the report and the amendment above.

OXTON COMPOSTING SITE GRANGE FARM OLLERTON ROAD OXTON

Mr Smith introduced the report and gave a slide presentation. He reported orally that Oxton Parish Council had no objections although they were concerned that the existing limit has been exceeded for the past 5 years.

Condition 15 set out in the appendix was amended to read:-

No more than 55,000 tonnes of waste shall be imported to the site (as outlined in red on the Oxtan Composting Site Plan (labelled Promap) received by the WPA on 24th February 2015) in any one calendar year. Records shall be kept by the operator of all imports of waste to the site. These records shall be submitted on a quarterly basis to the WPA and shall also be made available to the WPA within seven days of a written request.

Following the opening remarks of Mr Smith, Mr Cook representative from Veolia spoke in favour of the application and highlighted the following:-

- Following the acquisition of the Simpro business discrepancies were found in the operational records and steps were taken immediately to rectify the issue.
- The facility will be monitored by the Environment Agency with regard to Noise and any odour issues.
- This facility is an essential component of waste handling facilities across Nottinghamshire and is the only facility capable of handling the amount of tonnage of green waste currently being processed
- There are no proposals to change any aspects of the facility or existing planning restrictions already imposed upon the site.
- Now that the company is under new management it will ensure that there is no repeat of the tonnage exceedance.

Following Mr Cooks presentation he answered questions put by members as follows:-

- The table set out in paragraph 18 of the report shows the tonnage of waste being processed at the plant and this will be adhered to with a limit of 55,000 tonnes.
- With regard to slow moving traffic there will be a limit on the number Tractors leaving the site and the conditions will be adhered to.

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

RESOLVED 2015/020

1. That planning permission be granted subject to the conditions set out in Appendix 1 (including the amendment as set out above) and for the Group Manager Planning to issue the planning permission subject to no representations being received before the end of 28th April 2015 from Newark and Sherwood District Council which raise objections or material planning considerations not previously considered in the report and
2. That the Group Manager Planning shall determine in consultation with the Chairman and Vice-Chairman the materiality of any planning considerations raised by Newark and Sherwood District Council before

the end of 28th April 2015 but post Committee and whether the conditions as set out in Appendix 1 should and can be appropriately amended to meet those new material planning considerations or whether the application will be reported back to Committee for further consideration.

REMOVAL AND TEMPORARY STORAGE OF 75,000 CUBIC METRES OF COLLIERY SPOIL FROM LAGOON 4 – BILSTHORPE DISUSED COLLIERY EAKERING ROAD BILSTHORPE

Mr Smith introduced the report and highlighted that NCC Highways feel that the network can cope with additional traffic and that there is a legal agreement ensuring that HGV's do not travel through Bilsthorpe

Following the opening remarks of Mr Smith, Mr O'Brien representative from Harworth Estates spoke in favour of the application and highlighted the following:-

- Harworth Estates are working closely with the Wildlife Trust with regard to the restoration of the site and they will endeavour to encourage other wildlife to settle there.
- The site will not have any processing being undertaken and it is hoped that restoration will only take 6 months to achieve.

There were no questions

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

RESOLVED 2015/021

- 1 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 to secure a lorry routeing agreement requiring HGVs to avoid passing through Bilsthorpe village and measures to ensure the route is complied with, and an additional five years of aftercare, subject to the completion of the legal agreement within three months of the date of this report, the 28th July 2015, or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not signed by the 28th July 2015, or within any subsequent extension of decision time agreed with the Minerals Planning Authority and
- 2 that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

**LOCAL ENFORCEMENT PLAN THE COUNTY COUNCIL'S GUIDE TO
MONITORING AND ENFORCEMENT.**

RESOLVED 2015/022

That the Local Enforcement Plan be endorsed and that it is recommend to Policy Committee to be adopted as County Council policy and as a formal replacement of the Monitoring and Enforcement Policy and Protocol.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

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

RESOLVED 2015/023

That the Development Management Report be noted.

WORK PROGRAMME

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

RESOLVED 2015/024

That the Work Programme be noted

The meeting closed at 11.55 am.

CHAIRMAN

2 June 2015**Agenda Item:7****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****MANSFIELD DISTRICT REF. NO.: 2/2015/0057/NT****PROPOSAL: CREATION OF NEW THREE CLASSROOM TEACHING BLOCK PLUS
ADDITIONAL STAFF CAR PARKING****LOCATION: HEATHERLEY PRIMARY SCHOOL, HEATHERLEY DRIVE, FOREST
TOWN****APPLICANT: NCC ENVIRONMENT AND RESOURCES****Purpose of Report**

1. To consider a planning application for a new stand-alone three classroom teaching block and car parking at Heatherley Primary School, Forest Town. The key issues relate to traffic, parking and visual impact. The recommendation is to grant planning permission subject to the planning conditions set out in Appendix 1.

The Site and Surroundings

2. Heatherley Primary School is located towards the west of Forest Town, and approximately 1.8km to the north-east of Mansfield. The wider area is of a suburban residential character, and the school itself is bordered by residential properties on all sides.
3. Also of note in the wider area is a large Asda superstore and other retail development to the north, approximately 250m from the school site.
4. The school site is rectangular with a total area of approximately 1.1ha. Within the school site there is a single brick built school building with a tiled pitched roof and areas of wooden cladding coloured red. The building was constructed in 1988, and is located in the northern half of the site. To the south of the building there is grassed playing field area and hard surfaced playground. To the north of the school building there are areas of car parking.
5. There are numerous trees around the school site, particularly to the north and north-east of the school building, and also immediately to the south-east. The school is secured by a combination of wooden fencing, pallas fencing and

hedge. In terms of topography, the site has a gentle gradient sloping south to north.

6. The school site is accessed off Heatherley Drive in its north-western corner. Heatherley Drive is a cul-de-sac that connects to the A6117 to the north and serves a number of other cul-de-sacs that connect to it.
7. Bordering a short stretch in the south-west corner of the site is the Vale Close Plantation Local Wildlife Site (LWS). This is a valuable deciduous woodland with a characteristic sandstone ground flora.
8. Part of the school site, including land to the south and east of the main school building, is identified for the protection of school/college playing field in the Mansfield Local Plan.

Proposed Development

9. Planning permission is sought for a new three classroom teaching block and 11 new car parking spaces. The development also includes the erection of a coloured sail canopy.
10. The new classroom would be located 8-10m to the south-west of the existing school building, and would have a footprint of 245m². At its nearest point the building would be approximately 3.5m to the east of the school boundary, and the rear of residents' gardens.
11. The building would comprise a large rectangular mono-pitch section forming the classrooms, and an entrance foyer which would be a secondary smaller and lower mono-pitched element on its eastern elevation. The secondary element pitch would fall in the opposite direction of the main building section.
12. The building would measure approximately 19.8m in length and 13.8m in width. The main element of the building would measure 4.26m in height, falling to 3.28m at its south-western elevation. The north-eastern section of the building would be lower at 2.8m falling in height to 2.4m to the north-east.
13. The classroom building would be of a brick construction, with mixed red facing brick elevations. The building would have red timber boarded details on its north-eastern side (facing the main school building) either side of the main access doors. There would also be a red band at eaves level to reflect that of the existing school building. The new roof would be a dark grey single ply membrane with powder coated fascia and soffits.
14. The front (north-eastern) elevation of the building would have a set of double doors and a total of five windows, of varying sizes. In addition, there would be a row of 16 windows above the foyer element, allowing natural light into the main section of the building. On the rear (south-west) elevation there would be three doors, each leading into one of the class rooms, and a total of six windows. The doors and windows would be white powder coated aluminium, apart from the main access doors, which would be coloured red. The windows would be of a

horizontal sliding sash design. There would also be six rectangular roof lights, two per classroom, to provide natural lighting.

15. Within the building there would be three classrooms located within the main building section. Each classroom would measure approximately 6.4m by 10m. Within the entrance foyer section of the building there would be two toilet areas, and a separate disabled toilet. There would be a small group area/meeting room, and two cupboards for cleaning equipment and plant.
16. There would be two air source heat pumps located externally to the south-east of the classroom block. It would be located in a corner formed between the entrance foyer and the main building section. There would also be seven photovoltaic cell panels on the roof of the main section.
17. There would be a 1.2m wide tarmac path around the south-west and north-east of the proposed building, and an area of new tarmac to the front of the proposed building. These hard surfaced areas would connect into the existing footpaths.
18. There would be two areas of new car parking, one to the north-west and one to the north-east. The north-west car parking would comprise six new parking spaces adjacent to the school access road. It would extend westwards into a grassed area, and would involve the removal of a section of hedgerow, which forms part of the school's existing boundary in this location. This new car parking area would be secured by 2.0m high green Herras Pallas Plus fencing, and screened by hedge planting.
19. The proposed parking towards the north-east of the school site would be located in an area of existing car parking. The new parking area would result in the removal of five car parking spaces, which would be replaced with 10 car parking spaces. A net increase of 11 car parking spaces would be provided.
20. The proposal also includes the erection of a new primary colour sail canopy to the south-western side of the existing school building. The proposed sail would include six 150mm diameter powder coated steel column posts, and reach 4.0m in height. The sail would cover an area of 3.7m by 4.7m.
21. The proposed development would involve the felling of nine trees to facilitate the construction of the new classroom and parking areas.
22. There is currently a small sunken area of grass to the north-west of the school site which acts as a soakaway. The proposed development includes the installation of a new basket soakaway designed to accommodate the additional surface water run-off and contain water within the school environment. The grassed area would then be re-profiled to match the existing contours.
23. The proposed development would result in the school's designed capacity rising from 210 to 315 pupils. In addition, full time equivalent staffing numbers would increase from 23 at present, to 34. Staffing comprises full time and part time teachers, teaching assistants, admin staff, midday staff and kitchen staff.

Consultations

24. **Mansfield District Council** – *No objection, subject to conditions relating to landscaping and materials.*
25. **Environment Agency** – *Standing advice relating to surface water management good practice principles and standards should be applied.*
26. **NCC (Highways) Mansfield** – *The expansion of the school is likely to see an additional 50 trips at most associated with pupils arriving and leaving and an additional 10 trips associated with additional teachers. It is acknowledged that there have been local issues with traffic in the vicinity of the school but it is considered that the overall number of additional trips is small, and that the existing roads have the capacity available to deal with these with the availability of the nearby Asda car park. It is considered that the overall impact of additional car trips is not severe.*
27. *The County Council is in the process of making the existing 'School Keep Clear' markings legally enforceable which would assist in controlling parking and it is noted that the successful implementation of a School Travel Plan should have a positive impact in reducing the use of cars by those going to the school.*
28. *The current parking provision on site consists of 12 spaces and it is acknowledged by the applicant that this has not been sufficient to meet demand. It is proposed that the new car parking provision would have 23 spaces and this should ensure that the current on-street parking by teachers is no worse should planning permission be granted.*
29. *In determining the planning application the guidance within the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*
30. *Should planning permission be granted it is recommended that conditions are attached relating to construction details, parking and service areas, and a School Travel Plan.*
31. **NCC Road Safety** – *In the latest three year period (January 2012 – December 2014) there have been no reported injury collisions on the length of Heatherley Drive. It is also understood that some parents park in the Asda car park and use the pedestrian crossing on the A6117 Old Mill Lane. During the same 2012-2014 period there have been no collisions at the crossing.*
32. *The issue of construction traffic mixing with pupils start and finish times should be addressed, and it is suggested that there should be controls relating to delivery times and plant movement.*
33. *The use of a School Travel Plan is encouraged and it should promote safe and sensible travel. Any such plan needs to be managed and enforced, and it is suggested that the school would be best placed to do this.*

34. *The use of markings across residents' driveways to prevent inconsiderate parking is suggested, although it is acknowledged that this is not a safety issue, and funding would have to be sourced.*
35. **NCC (Noise Engineer)** – *The proposed development would increase pupil numbers at the school by approximately 40%. To put this in context a doubling of pupil numbers would give rise to an increase in external activity noise of approximately 3dB which is widely accepted as the minimum perceptible increase of an existing noise source by the human ear. The proposed increase in pupils would lead to an increase in external noise levels by less than 2dB and therefore would not be perceptible.*
36. *There may be some potential for audible noise in garden areas of neighbouring properties near to the proposed classroom during warmer days when windows are open. Whilst audible, noise levels would not be expected to be at a level, or of a duration, that would give rise to noise complaints.*
37. *There is the potential for noise disturbance from construction of the new building. There are no noise objections subject to conditions relating to construction days and hours, and a total noise level of 65dB at neighbouring properties.*
38. **NCC (Nature Conservation)** – *The existing school buildings were assessed as having marginal potential for roosting bats, but in any event these would not be affected by the proposals. A Local Wildlife Site abuts the south west corner of the site, but would not be affected by the proposals.*
39. *No additional surveys are necessary, although conditions should be attached to control vegetation clearance during the bird nesting season, protect mammals from working activities, and require the submission of landscaping for replacement trees.*
40. **NCC (Reclamation)** – *Whilst there has been no intrusive investigation of ground conditions a desk study appraising the potential for such has been carried out. The findings of the desk study indicated that there is no significant potential for contamination of the site.*
41. *A watching brief for any unexpected changes in ground conditions is recommended. No specific investigation of contamination conditions are considered necessary given the findings of the Phase One assessment. It is also understood that the new classroom block would not connect physically with the existing building. If this changes, the development should commence with an asbestos survey.*
42. **Sport England** – *No objection.*
43. **Police Force Architectural Liaison Officer** – *No objection.*
44. *No response received from **Severn Trent Water Limited, Western Power Distribution and National Grid (Gas)**. Any response received will be reported orally.*

Publicity

45. 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.
46. A total of nine responses have been received. Eight responses were letters/emails, and one petition has been received. All the letters, and the petition, raise concerns in relation to traffic and parking. Some of the responses also raise concern with the location of the building, and its proximity to residential properties.
47. Many residents have highlighted the existing traffic and parking situation around the school as very bad, particularly during weekday mornings and afternoons during the school pick-up and drop-off periods. However, other times have been highlighted as causing traffic to some extent including lunchtimes, school trips, assemblies and school plays. Residents' concerns can be categorised into traffic/parking, and the building itself. The concerns relating to each of these categories are discussed under separate headings below.

Traffic and Parking

48. With regard to access, Heatherley Drive, the street which the school is located on, is a cul-de-sac with a number of other cul-de-sacs leading off it. There is a high volume of vehicles associated with the school particularly pick-up and drop off periods during the morning and afternoon. Residents state that during these periods cars double park, park on corners, on kerbs, in front of residents drive ways, and on marked restricted (zig-zag) areas. This results in a road that is difficult to navigate in a car and it is sometimes completely blocked.
49. There are existing zig-zag 'School Keep Clear' markings outside the school entrance. However, these are said to be unenforceable and have done little to help the existing parking situation.
50. It is also reported that school staff park on the road during the day, which in some instances reduces the width of Heatherley Road to one lane for the duration of the day.
51. From a safety perspective the residents raise concern that the parking situation makes it difficult for cars to pass one another and reduces visibility for drivers. They consider this makes crossing the road difficult for pupils and parents, particularly as there are no designated crossing areas. They are concerned that it will be a matter of time before a serious accident occurs, and state that 'near misses' happen regularly. In addition, they are concerned that if an emergency vehicle were to be called at a time coinciding with high traffic and parking in and around Heatherley Drive, it would not be able to access some of the street(s).
52. The Transport Statement (TS) reports that there have been no serious accidents, although it is claimed that there are near misses every day. The issues of safety are said to be worse in the winter time as the roads are not gritted, the area is hilly, and drivers struggle to get up to, and from, the school. In this regard, the traffic survey has been criticised, as it was undertaken on a dry

autumn day and therefore did not represent the times when parking and traffic are at their worst, such as when it is raining, cold and foggy. At these times even more pupils are brought to school by car.

53. It has been reported that parents have been contacted by the school regarding parking, although this has made little difference to the situation, and some residents have received verbal abuse from parents. It is also reported that in the past the police have been called to patrol the school gates and prevent inappropriate parking.
54. A selection of images showing the parking and traffic situation during a peak period on Heatherley Road have been submitted by a local resident and Mansfield District Council (MDC) Councillor Mick Barton.
55. All of the above concerns are in relation to the existing situation, and the point made by many residents is that expanding the school would exacerbate the traffic and parking issues that already exist. Residents state that the existing road is not wide enough to serve a larger school. It has also been argued that the conclusion of the TA, that there is ample space to park, is incorrect and that the development would lead to even longer queues of traffic and more streets on the estate being congested.
56. The petition includes signatories from 119 residents located on surrounding roads including Baysdale Drive, Heatherley Drive, Cotterdale Close, Bransdale Avenue, Denton Close, Hambleton Rise and Butterwick Close. The petition covering letter raises concern with the existing congestion on surrounding roads, stating that this is caused by inconsiderate parking by parents dropping off their children in the morning, and picking them up in the afternoon. It also highlights that poor parking at the site includes double parking on a tight bend in Heatherley Drive, and parking across driveways and on kerbs.
57. The petition letter states that 60-70 more vehicles dropping off and picking up children could be associated with the additional 100 places and this would make an existing situation far worse. Concern about access for emergency vehicles is also mentioned in the petition letter.
58. The petition calls for provision to be made within the school grounds for parent parking, or for restrictions to be put in place on Heatherley Drive, Baysdale Drive, Bransdale Avenue and Cotterdale Close to control parking for safety reasons before there is a serious accident. Separate calls have been made for a safe place for children to cross such as a crossing zone, or a crossing patrol. There are also calls for more commitment from the school to make the park and walk scheme from ASDA work, as it is currently underutilised.
59. The petition and some residents have also raised concerns about speeding occurring around the school site.
60. MDC Councillor Mick Barton has objected to the proposal, highlighting that most residents are against the development. The letter queries whether the survey was undertaken at the school and whether it was done during a peak traffic period. It is questioned whether Nottinghamshire County Council could claim against the company that undertook the traffic survey in the event of accidents

occurring. It is also stated that other local primary schools are under capacity, and asks why the catchment area is not relevant.

61. MDC Councillor Mick Barton stated that drop off and pick up points need to be addressed and a solution could be the use of some of the existing school land, such as the front of the school where there is plenty of room to put a drop-off roundabout in and some parking bays. Other residents have suggested that there should be a drop-off point within the school, such as a horseshoe drive-in/drive-out option at the bottom of the drive. There is underused space there, although it is acknowledged that it would involve a re-think of the staff parking. Another suggestion is widening the road opposite the school drive, to allow cars to park and pass safely, as this area of land is grassed and it is claimed that it is not used by residents as a garden or for recreation. An enforceable no parking zone is also put forward around the mouth of the school drive which would allow cars to pass on the bend, and provide a safer area to cross. Another suggestion is to remove the restriction on the Baysdale/Elmhurst Road to allow a second access option, reducing the back up of vehicles on Heatherley Drive.
62. It is noted that the TS shows that there are pupils attending the school from outside of the immediate catchment area, and the question is asked as to why a school in Forest Town is being expended when there are schools in neighbouring towns and villages that have capacity.
63. MDC Councillor Mick Barton has requested that County Councillors undertake a site visit during a peak traffic period, such as school closing time.

The Building

64. The proximity of the proposed classroom has also been raised as an issue of concern. It is highlighted that the building would be 3.5m from the rear of properties at its closest point, and the footpath around the building would be closer. It is felt that this would affect local residents. This concern is also raised by MDC Councillor Mick Barton. It has been suggested that there are other locations within the school site that could accommodate the proposed classroom.
65. Concern has also been raised in relation to planting trees between the proposed classroom building and neighbouring residences as this may, over time, lead to increased shade in the gardens.
66. The building would be located on an area which is currently occupied by an outdoor play area. There is some worry that this would be lost. If the play area is to be moved, the application does not show where it would be moved to.
67. A resident has questioned how the school would be reconfigured to cope with the additional pupils, highlighting that lunchtimes take place in the hall and this would not accommodate an additional 105 pupils. It is claimed that the timetable would have to change to accommodate another three classes. It is also highlighted that since September 2014 children of 3 years old can attend the nursery for 15 hours free care per week, and it is suggested that it would be more logical to create a nursery block rather than build Key Stage 1 and 2 classrooms.

68. Councillors Colleen Harwood and Alan Bell have been notified of the application.
69. The issues raised are considered in the Observations Section of this report.

Land Owner Notification

70. It came to light late in the determination process that there was a minor inaccuracy in the planning application boundary, as indicated by the red-line on Drawing No. PY BE 29186 AI (0) 8. The red line marginally enters the curtilage of no. 2 Baysdale Drive and no. 31 Heatherley Drive.
71. As part of a planning application, the applicant is required to certify that all landowners subject to the application have been notified. This notice is required under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The certificate was submitted with the planning application. However, given that the red-line matter only recently came to light, these properties were not notified at the outset of the planning application. Nevertheless, the applicant has now notified no. 2 Baysdale Drive and no. 31 Heatherley Drive that part of the planning application area falls within these properties.
72. The required notice invites those notified to make representations regarding the planning application within 21 days beginning with the date of service of the notice. The letters of notification were issued on 12th and 13th May 2015, which means the representation period finishes on 3rd June 2015. It is of note that this is after the date of this Planning and Licensing Committee.
73. The proposed development is intended to provide classroom space for the school starting from September's intake. As such, any postponement in the decision making process will consequently delay provision at the school for pupils.
74. As such, it is suggested that the practical course of action is for Planning and Licensing Committee to come to a decision on 2nd June 2015 and the decision notice to be issued following the expiry of the 21 day representation period, subject to no new material planning issues being raised in relation to landownership by the two properties affected.
75. It is important to note that this course of action is to resolve a procedural error made by the applicant, and has no bearing on what is being proposed or the planning considerations involved in the determination of this application.

Observations

Introduction and Background

76. The proposed development is the construction of a single storey stand-alone three classroom teaching block, and an additional 10 car parking spaces at Heatherley Primary School, Forest Town, Mansfield.

77. The existing school was designed for 215 pupils. It currently accommodates 206 pupils and 23 staff. The purpose of the proposed development is to increase the capacity of the school to 315 pupils. This would also result in an increase in staff numbers of 11 taking total staff numbers to 34.

School Numbers

78. Nottinghamshire has seen an increase in birth rates since 2007, in line with national trends. The total primary school Number on Roll (NOR) saw a decline between 2001 and 2010, but has seen a steady increase from 2010-2014.
79. In addition, the number of 4 year olds entering the school system has increased since 2006. Given the falling NOR of previous years, the increase in the number of 4 year olds did not impact on the County's overall ability to provide pupil places. However, as smaller cohorts of older children are replaced by larger cohorts of young children, pressure on places increases.
80. The County Council groups primary schools across the County into 'planning areas', which have been created following the movement of children across school catchment areas. Using this data, the NCC Admissions Team provides a reasonably accurate reflection of the specific areas and schools within the county that are likely to become pressure points.
81. The NCC Admissions Team group together the following schools in a planning area known as 'Forest Town': Forest Town Primary and Nursery School; Heatherley Primary School; Holly Primary School; John T Rice Infant and Nursery School; and Newlands Junior School. The existing pupil number, Planned Admission Number and projected pupil numbers for each school are set out in Table 1 below.

Table 1 – Pupil Numbers and Projections for Mansfield Schools

School	Net Cap ¹	PAN ²	Projected Total School Numbers					Projected Surplus / Deficit				
			2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19
Forest Town Primary and Nursery	420	60	291	297	303	314	319	129	123	117	106	101
Heatherley Primary	210	30	215	216	223	230	234	-5	-6	-13	-20	-24
Holly Primary	280	40	304	308	322	332	339	-24	-28	-42	-52	-59
John T Rice Infant and Nursery	135	45	147	152	163	161	166	-12	-17	-28	-26	-31
Newlands Junior School	180	45	176	187	197	210	214	4	-7	-17	-30	-34
Total surplus / deficit								92	65	17	-22	-47

82. It is important to note that the above table is a projection, and subject to change. In this regard, whilst the project indicates 215 pupils for the 2014/15 year at Heatherley Primary School, as of January 2015 this number was actually 206.
83. The Forest Town planning area has seen recent expansion at Forest Town Primary School, which received planning permission for a foundation and reception unit for up to 100 children in July 2014. Despite the additional places provided by this development, the NCC Admissions Team has identified an excess of demand over supply of primary places in coming years. In this regard, by the school year 2017/18 there would be a deficit of 22 places, and by 2018/19 it would increase to 47 places. In addition, it is noted that the area has seen a growth in local housing stock, mainly in the vicinity of Heatherley Primary School.

Planning Policy

National Planning Policy Framework (NPPF)

84. Chapter 8 (Promoting healthy communities) of the NPPF highlights that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. With reference to schools the NPPF attaches great importance to ensuring that a sufficient choice of school places is

¹ The total existing capacity of the school.

² Planned Admission Number (PAN) is the number of pupils that the school can admit each year. Schools are legally obliged to admit up to their PAN.

available to meet the needs of existing and new communities. It also states that Local Planning Authorities (LPAs) should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. LPAs should give great weight to the need to create, expand or alter schools.

85. The NPPF places great weight on development that ensures a sufficient choice of school places is available to communities. The proposed development would result in an additional 105 places at the school. As such, there is strong support within the NPPF for this development.
86. In addition, in a letter to Chief Planning Officers, the Secretary of State for Communities and Local Government has stated that there should be a presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community (Appendix 2).

Mansfield Local Plan

87. Policy LT7 (Protection of school / college playing fields) of the Mansfield Local Plan (MLP) states that planning permission will not be granted for development which would lead to the loss of playing fields unless they would only result in the loss of a small part of the area used for recreational purposes and meet one of a number of criteria, including being for educational use essential for the continued operation of the establishment.
88. The area of the proposed development is located within an area designated as protected school playing field as shown in the Mansfield Local Plan. The area subject to the proposed development is currently occupied by play equipment. The area to be lost to this development is relatively small, and there is a demonstrable need for additional school capacity within the Forest Town area of Mansfield, and specifically at Heatherley Primary School. As such, the proposed development does meet the requirement as being necessary for the continued operation of the school, in accordance with the requirements of Policy LT7 of the MLP.
89. Notwithstanding the above, the loss of an area currently being used for play is noted. As such, it is recommended that a condition is attached should planning permission be granted to require the play area to be relocated elsewhere within the school site, to ensure that it is not lost.

Traffic and Parking

90. Heatherley Primary School is sited in a somewhat constrained location, accessed off Heatherley Drive, a winding residential cul-de-sac which provides the access to a network of further cul-de-sacs off the A6117 (Old Mill Lane).
91. The existing school has a capacity of 210 pupils (total pupil numbers are currently at 206) and there are also 23 staff. The proposed development would result in the potential capacity of the school rising to 315 pupils, and 34 staff.

92. The applicant has undertaken a TS which analysed existing transport behaviour and the impact that the proposed development would have on the local transport network. It has identified that approximately 52% of pupils walk to school and 48% come by car. If the existing split is maintained, for the potential additional pupils there could be an expected additional 50 cars per peak period. The TS highlights that this assumption does not account for any modal changes resulting from the implementation of a travel plan. In addition, it is reported that 17% of existing trips by car, park at the nearby Asda where there is an informal agreement between the school and the supermarket providing parking for parents allowing journeys to be completed on foot.
93. The TS also includes a study of parent parking within the vicinity of the school considering the extent of where parking occurs. The TS reports that there is some spare capacity on the residential roads surrounding the school site to accommodate the anticipated increase in car parking following the proposed development. It is also reported that there is more than sufficient car parking space within the nearby Asda car park.
94. The TS also includes a review of safety records within the surrounding highway network over the past five years. There is a reported eight collisions of slight severity, one of which involved a pedestrian and two involved cyclists. In addition there was one serious collision. The TS reports that none of the accidents involved pedestrians or cyclists of primary school age.
95. Having reviewed the planning application, and the accompanying TS, the NCC Highways Team are of the view that given the overall small number of additional trips likely, and the additional observed capacity available, the overall additional car trips cannot be considered severe. However, a number of conditions are recommended relating to an environmental management plan; the parking and manoeuvring areas; the proposed service area; and a School Travel Plan. At the time of writing the consultation response NCC Highways reported that the County Council were in the process of making the existing 'School Keep Clear' markings on Heatherley Drive legally enforceable. It can be confirmed that the relevant signage preventing parking on weekdays between 08:00 and 16:30 has now been erected.
96. The existing problems that have been reported by local residents relate to access, inconsiderate and illegal parking, blocking of driveways; confrontations between pupils' parents and residents; and potential health and safety issues associated with visibility, high numbers of cars and a lack of access for emergency vehicles.
97. The objections raised all highlight the existing problems with vehicles and parking around the school and object to the proposed development because it would result in additional pupils and staff, and therefore vehicles, exacerbating the existing traffic and parking issues.
98. Residents have questioned the conclusion of the TS that there is sufficient parking space to accommodate the increase in vehicles associated with the proposed development and are of a view that it would lead to increased congestion and queues. The main concerns with this relate to safety, from a pedestrian crossing perspective, and also in relation to the ability for emergency

vehicles to navigate the streets during congested periods. Also, the issue of potential accidents and 'near misses' occurring regularly has been raised.

99. The proposed development would result in an increase in vehicles visiting the school during peak times. It is considered that the parking and congestion probably would not worsen immediately around the school entrance as it is already at saturation point. However, the parking and traffic impact would likely occur over a wider area than at present. As such, it is acknowledged the proposal would have some adverse impact on the existing parking and traffic situation. However, over the past five years there have been no accidents involving pedestrians or cyclists of primary school age. In addition, over the past three years there have been no accidents on Heatherley Road or the pedestrian crossing over the A6117, as highlighted by NCC Road Safety. The NCC Highways Team has reviewed the TS and are satisfied with its contents, and concluded that the impact would not be 'severe'. NCC Road Safety do not raise safety concerns, but suggest that conditions should be used to control construction traffic during school drop-off and pick-up times.
100. There has been some criticism that the parking survey was undertaken on a dry autumn day, and therefore does not represent a worst case scenario such as a winters day when it is cold, foggy, raining and/or snowy. This criticism is acknowledged, and there will be occasions when inclement weather would likely give rise to more vehicles visiting the site. However, there will be other occasions during the summer months when good weather results in lower vehicle numbers. As such, it is recognised that there will inevitably be variation in vehicle numbers, but the parking survey represents a reasonable average.
101. Mansfield District Councillor Mick Barton has asked, in the event that an accident occurs, whether Nottinghamshire County Council could claim against the company that has undertaken the TS. The purpose of the TS is to report the existing traffic and parking situation and assess the impact that the proposed development would have. The NCC Highways Team has not raised any concerns with the accuracy or methodology of the TS. The issue of future potential accidents and subsequent compensation claims is not a matter for consideration in the determination of this planning application.
102. The issue of cars speeding has been raised by residents. As the proposed development would result in an increase in vehicle numbers, and potential congestion, it may positively reduce the speed of vehicles. However, this development is not considered to affect the propensity of drivers to disobey the speed limit.
103. There have been complaints that the existing zig-zag 'School Keep Clear' markings are unenforceable and, as such, do little to help prevent unacceptable parking. However, the TS highlights that existing markings are in the process of being made enforceable, with no parking between 08:00-16:30 Monday to Friday signs being erected as part of a Traffic Regulation Order (TRO).
104. Residents have raised concerns about staff parking on Heatherley Drive during the day. The proposed development includes the provision of 11 new car parking spaces, one of which would be disabled. However, the development

would result in up to 11 new staff. As a result, the proposed development would have a neutral impact on staff parking on Heatherley Drive during the day.

105. Policy M16 of the MLP sets out a series of traffic and transport related criteria that should be met in order for development to be acceptable. The criteria includes:
1. The needs and safety of all modes of travel;
 2. Not having a detrimental effect on the surrounding highway network;
 3. Safe vehicle access;
 4. A minimum level of car parking;
 5. Where necessary, safe servicing, preferably segregated from pedestrian flows;
 6. Located where there is easy access to public transport.
106. In line with Policy M16 the planning application has had regard to alternative modes of transport including public transport and cycling. The access to the school is existing and no change is proposed, indeed, given the school's surroundings there would be no realistic alternative access arrangements. There would be an increase in staff car parking, but the proposal would also increase staff numbers by the same amount of spaces to be provided, therefore, this would have a neutral impact. The existing service and delivery area would remain, and the site is accessible by public transport with the nearest bus stop located approximately 280m from the school.
107. Notwithstanding the above, Part 2) of Policy M16 requires development to "Not have a detrimental effect on the surrounding highway network". There is no threshold which allows some detrimental effect to be acceptable. As such, the proposed development is not in accordance with this section of the Policy.
108. Chapter 4 (Promoting Sustainable Transport) of the NPPF provides guidance on traffic and transportation matters. It states that decisions on development which would generate significant amounts of traffic should take into account whether improvements can be made within the transport network that cost effectively limit the significant impacts of the development. In addition, development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.
109. It is recognised that there are existing traffic and parking issues on Heatherley Drive and other streets around the school. It is also acknowledged that the proposed development would in all likelihood have an adverse effect, probably widening the area of impact. However, NCC Highways have assessed the proposed development and conclude that the impact would not be severe, with the imposition of suitable conditions. As such, in line with the NPPF, the development should not be refused on highway grounds.

110. There is clearly some conflict on this issue between Policy M16 of the MLP and the NPPF. However, the NPPF advises that where Plans have been produced before the NPPF, due weight should be given to relevant policies according to their degree of consistency with the NPPF. In this regard, the policy is not consistent and the NPPF position that development should only being refused on transport ground where residual cumulative impacts of the development are severe should take precedence.
111. The question of catchment area has been raised by residents, and it has been asked why development is proposed at this school when there is capacity at other nearby school. Indeed, the recent expansion of Forest Town Primary School is acknowledged. However, the NCC Admissions Team have analysed primary school places in the wider area and undertaken pupil projections. This demonstrates that there is currently a surplus of primary school places across the schools that serve the Forest Town area, however, there will be a deficit by the school year 2017/18. Therefore, development has to be planned sufficiently in advance to accommodate future pupil numbers.
112. It is also worth noting that the pupil projection numbers estimate that Heatherley Primary School will have an additional 13 pupils in 2016/17, 20 pupils in 2017/18 and 24 pupils in 2018/19. As such, the actual additional vehicle numbers associated with the proposed development are unlikely, in the short to medium future, to be as high as those set out in the TS, which bases its figures on worst case scenario of an additional 105 pupils. However, it is likely that the school will reach its capacity in the longer term.
113. There have been a number of suggestions in relation to the proposed development, including:
- a) The introduction of a safe place to cross or crossing zone, and/or a crossing patrol;
 - b) More commitment to the Asda park and walk scheme;
 - c) Use of the existing land to the north of the school where car parking is located to introduce a drop off/pick up area. This could potential involves a horseshoe one way drive in, drive out, arrangement.
 - d) Widening of the road, particularly by removing an area of grassed land opposite the school entrance.
114. With regard to a safe place to cross, this falls outside of the planning application area. Nevertheless, the 'school keep clear' markings outside the school have now been made enforceable with signs indicating 'no stopping' between 08:00 and 16:30 Monday to Friday.
115. The applicant indicates that the school has considered measures to encourage alternative means of travel has to reduce the reliance on private cars by parents, staff and visitors, and has recently revised the School Travel Plan to include measures to safely absorb the increase in school roll numbers over the next five years. The School Travel Plan referenced has not been submitted as part of the planning application, but the NCC Highways Team has requested

that a condition is attached should planning permission be granted to require the submission of a School Travel Plan, with a named travel plan coordinator. The Travel Plan would need to set out proposals (including targets, a timetable and enforcement mechanisms) to promote travel by sustainable modes. Such a Travel Plan may include provisions relating to the Asda park and walk scheme, and a school crossing patrol.

116. Residents have suggested rearrangement of internal school manoeuvring areas to allow a drop-off/pick-up point, and also a widening of the road. The County Planning Authority is under a duty to consider the planning application as submitted. The NCC Highways Team has not assessed the impacts as severe and has not recommended any revisions to access and/or manoeuvring arrangements.

Design and Visual Impact

117. One local resident, and MDC Councillor Mick Barton, have raised the proximity of the proposed development to residential properties as an issue of concern. It is highlighted that, at its closest, the development would be 3.5m from residents' rear gardens, with the footpath that surrounds it even nearer.
118. Policy BE1 of the MLP states that planning permission will be granted for development which achieves a high standard of design provided it meets a series of criteria, including:
- a) The scale, density, massing, height, layout and access relate well to neighbouring buildings and the local area generally;
 - b) The materials used are in keeping with the site's surroundings;
 - c) The level of hard and soft landscaping is consistent with the type and design of the development and its settings;
 - d) The proposal integrates existing landscape and nature conservation features.
119. Chapter 7 (Requiring good design) of the National Planning Policy Framework (NPPF) seeks that development contributes positively to making places better for people. The NPPF highlights the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
120. It is acknowledged that the proposed building is close to residential properties, approximately 3.5m from a rear garden at its nearest point. However, it should be noted that the distance to the actual house is further at approximately 14m. In addition, the building would be separated and screened from the residences by an existing 3.5m high boundary hedge, which is dense although not evergreen.

121. The building would measure 4.26m in height at its highest point. However, the orientation of the building along with its monopitch design means that the roof would be 3.28m high at its western elevation. The 3.5m hedge would therefore provide substantial screening.
122. The building itself has been designed to reflect architectural aspects of the main school building. This has been achieved through the proposed use of red-facing bricks, red wood panel diagonal cladding either side of the entrance and a red timber fascia board underside the roof line. In addition, the use of a single pitch design with the lowest part of the roof nearest to the residents' boundary demonstrates that visual impact has been taken into account. The extension has been designed so as to match the existing school and therefore ties in well with the existing building from a design perspective.
123. It has been suggested that there are other locations within the school site that could accommodate the proposed building. In regard to this, it should be remembered that the school site is enclosed by residential properties on all sides, as such, it would be proximate to residential properties wherever it is located on site. In addition, much of the school site to the south is a formal playing pitch, and to locate the development in this area would impact on this. In addition, the application has identified that the location has been considered to provide a short transfer time for pupils from the main school building. The entrance faces the existing school providing interconnectivity and ease of movement between buildings.
124. The proposed development includes a number of new trees, which would replace those removed as part of the provision of the development. The landscaping also includes new hedgerow to screen the proposed car parking adjacent to the access.
125. In light of the above, the proposed development would have little visual impact and is of a high design standard taking into account scale, density, massing, height, layout and access, relating well to the neighbouring school building. In addition, there is new landscaping appropriate to the proposed development. Overall the development is in accordance with the requirements of Policy BE1 of the MLP and Chapter 7 of the NPPF.
126. The issue of the removal of existing play equipment has been raised in the public consultation responses. The applicant has indicated that some additional all weather play area would be provided by removing some underutilised raised planters, levelling the area and then providing a tarmac surface under the shade provided by the proposed new sail canopy. Whilst this is seen as a positive aspect of the development, it is considered that it does not adequately replace the loss of the existing play equipment. As such, it is recommended that a condition is attached requiring the existing play equipment to be relocated within the school site.
127. A resident has raised a concern with the proposed planting of trees between the new classroom block and the existing boundary hedge. The concern is that these trees would grow to a height that would create shade and block out sunlight into the rear garden. As the garden is east facing, tall trees could reduce sunlight in mornings. As such, it is suggested that a condition is used to

require the submission of a replacement tree planting scheme, which can then locate replacement tree species appropriately.

Trees

128. The applicant has undertaken a tree survey in support of the proposed development. The survey has identified nine trees that would have to be removed to facilitate the development. The trees include Oak, Aspen, Silver Maple, Rowen and Lime. Of the trees to be removed, five are A1 category (a tree of highest quality whose retention is most desirable) and four are B1 (trees of moderate quality whose retention is desirable).
129. Whilst the trees are of a high category, they are not 'aged or veteran trees', and the need for the proposed development is considered to outweigh the value of the trees. However, it is recommended that compensatory tree planting is undertaken elsewhere within the site to mitigate the loss of the trees, as proposed within the planning application. This can be secured through condition.
130. In addition, development would take place near to other trees that are proposed to be retained. The protection measures recommended in the tree survey should be secured by condition to ensure that retained trees are not harmed during construction works.

Noise

131. The proposed development is unlikely to lead to any adverse noise impact on local residents. The NCC Noise Engineer has reviewed the proposed development and highlights that in relation to schools, a doubling of pupils would lead to an approximate 3dB increase in noise. Given that the proposed development would lead to a potential increase of up to 50% in terms of pupil numbers, the proposed development would result in an increase of less than 2dB. To put this into context a 3dB increase in noise levels is widely accepted as the minimum perceptible increase of an existing noise source by the human ear.
132. The NCC Noise Engineer has highlighted that construction noise may have some temporary impact on local residents. As such, it is recommended that, should planning permission be granted, conditions are attached relating to construction hours and a maximum noise limit at nearby properties. This would be in accordance with the NPPF's aim of avoiding noise from giving rise to significant adverse impacts on health and quality of life.

Ecology

133. The proposed development is not located within any areas of designation. The nearest designated area is the Vale Close Plantation Local Wildlife Site (LWS) to the south-west of the school site which is a valuable deciduous woodland with a characteristic sandstone ground flora. The proposed development would not have any adverse impact on this LWS.

134. The applicant has undertaken an Extended Phase 1 Ecological Survey. None of the plant species recorded on site plants which are protected as defined by the Wildlife and Countryside Act. The existing school has been assessed as having marginal potential for roosting bats, but would not be affected by the proposed development. The site is assessed as having poor habitat for badgers and nesting birds, and the habitat affected by the separate extension provides no opportunity for reptiles.
135. NCC Ecology has assessed the application including the Phase 1 Ecological Survey, and is satisfied with its contents. They have no objection subject to a number of conditions relating to the control of vegetation removal during bird nesting season; the submission of the landscaping plan details replacement tree planting; and provision to all mammals to escape trenches during construction works.

Other

136. A contamination appraisal has been undertaken for the site. NCC Reclamation team have reviewed the appraisal and are of the view that no specific investigation of contamination is necessary given the findings of the assessment. Nevertheless, it is suggested that a condition relating to unexpected contamination is attached should planning permission be granted.
137. The proposed development would result in development in Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding), and the overall development would be of less than 1ha. As such, the Environment Agency's standing advice applies, as identified in their consultation response. The standing advice promotes the use of Sustainable Urban Drainage (SuDS) for surface water runoff. The surface water run-off from the proposed development would be directed to an on-site soakaway. This approach is in line with the Environment Agency's standing advice.
138. A resident has raised concern with how the school would be reconfigured to accommodate the additional pupils, specifically referencing the size of the school hall and saying that it is not of a sufficient size for all the pupils to lunch in, and that timetables would have to be altered. It is also suggested that the proposed classroom would be more appropriate as a nursery block rather than Key Stage 1 and 2 classrooms. The way in which the school timetable runs, when children take their lunch, and which classes occupy different classrooms, are management issues outside this planning application.

Conclusion

139. The proposed development has received numerous objections from local residents, primarily due to the potential impact on the local road network, but also due to the proximity of the new building to residential properties.
140. The proposed classroom block itself is well screened from residential properties by an existing 3.5m high boundary hedge. The orientation is not considered to have any significant adverse impact on neighbouring properties. The building is of an appropriate design and is in an acceptable location. As such, it is in

accordance with Policy BE1 of the Mansfield Local Plan and the relevant sections of Chapter 7 of the NPPF.

141. The development would result in an increase in pupils at the school. In the short to medium term future this is unlikely to be the full 105 pupils that the development could provide for, however, in the long term it is expected that the total capacity would be reached. This will have an adverse impact on an already poor traffic and parking situation on Heatherley Drive and other roads around the school. As such, the development is not in accordance with Policy M16 of the MLP. However, the level of impact that the proposed development would have has been assessed as not being severe. As such, the NPPF is clear that planning permission should not be refused on transport grounds, and in this case the NPPF takes precedence. In addition, a condition would be attached relating to a School Travel Plan, which would provide a level of mitigation.
142. It is of significance to this application that Chapter 8 (Promoting healthy communities) of the NPPF gives great weight to the need to create, expand or alter schools.
143. In light of the above, the proposed design of the development is acceptable, and there is great weight in favour of school place provision. Whilst there would be an adverse traffic impact, it is not considered severe. As such, it is recommended that planning permission is granted, subject to planning conditions.

Other Options Considered

144. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

145. 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.

Human Rights Implications

146. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. Rights under Article 8 and Article 1 may be affected due to an increase in traffic and parking during school drop off and pick up times, associated with an increase in pupil numbers at the school. However, this potential impact needs to be balanced against the wider benefits the proposals would provide such as the provision of necessary school places

for children in Nottinghamshire. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Crime and Disorder and Safeguarding of Children Implications

147. The school site is secured by a mix of Pallas security fencing, wooden fencing and hedges. Perimeter security would remain unaltered except for the proposed new parking area adjacent to the entrance. This would benefit from new fencing, and additional hedge planting.

Implications for Service Users

148. The proposed development would provide additional school places to meet an identical need.

Implications for Sustainability and the Environment

149. The proposed classroom block incorporates photovoltaic cells and an air source heat pump.

Financial, Equalities and Human Resources Implications

150. None.

Statement of Positive and Proactive Engagement

151. 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 all valid representations that have been received. Issues of concern have been raised with the applicant and addressed through negotiations and suitable planning conditions discussed with the applicant. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

152. 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 and for the Group Manager Planning to issue the planning permission subject to no representations being received raising material planning issues before the end of 3 June 2015 in relation to properties 2 Baysdale Drive and 31 Heatherley Drive, that have not previously been considered in the report.
153. It is FURTHER RECOMMENDED that the Group Manager Planning shall determine following consultation with the Chairman and Vice Chairman whether any issues raised before the end of 3 June 2015 but after Committee in relation to properties 2 Baysdale Drive and 31 Heatherley Drive are material in planning terms and if those conditions as set out in Appendix 1 are satisfactory to deal

with those issues or alternatively that the said conditions should, and can, be appropriately amended to meet those issues, and if not, that the application will be reported back to Committee for further consideration. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

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

[DWK 19/05/15]

Comments of the Service Director - Finance

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

[SES 11/05/15]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Mansfield East – Councillor Colleen Harwood
Councillor Alan Bell

Report Author/Case Officer

Oliver Meek

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

W001409 – DLGS REFERENCE



Policy statement – planning for schools development

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

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

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

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

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

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

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

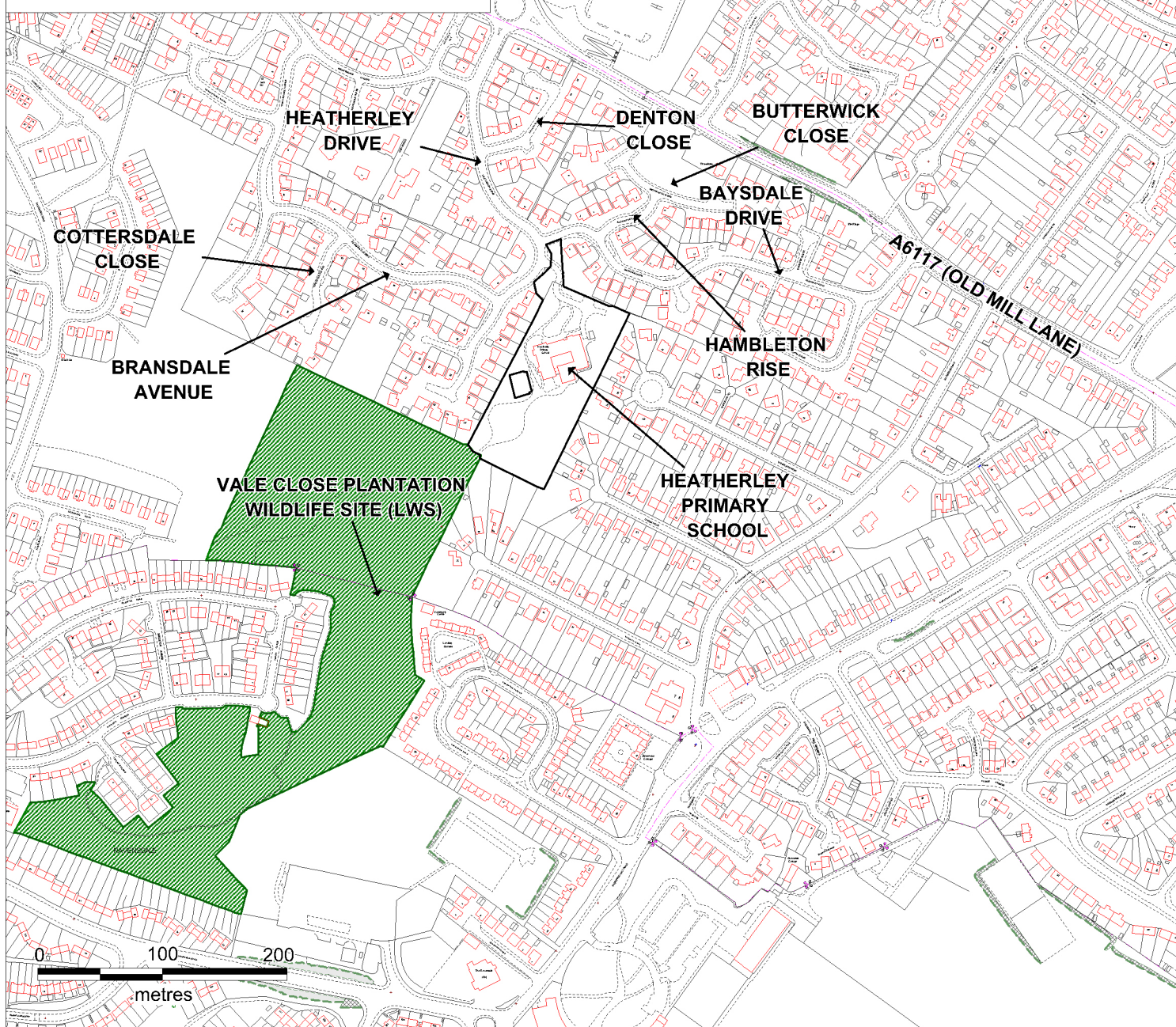
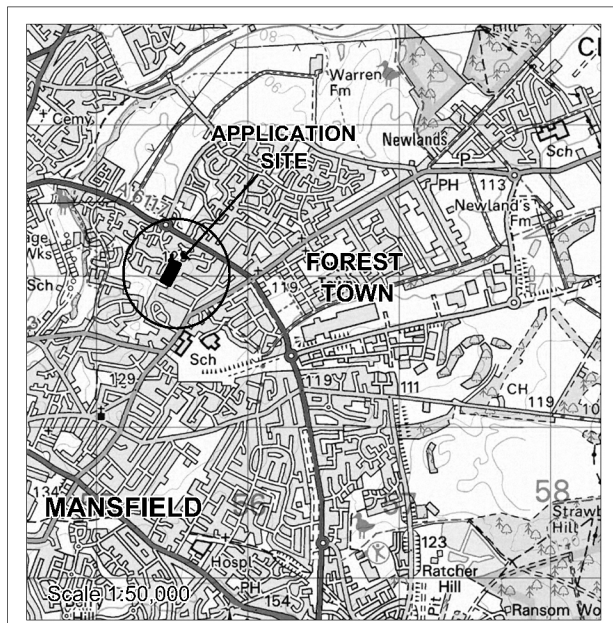
This statement applies to both change of use development and operational development necessary to the operational needs of the school.

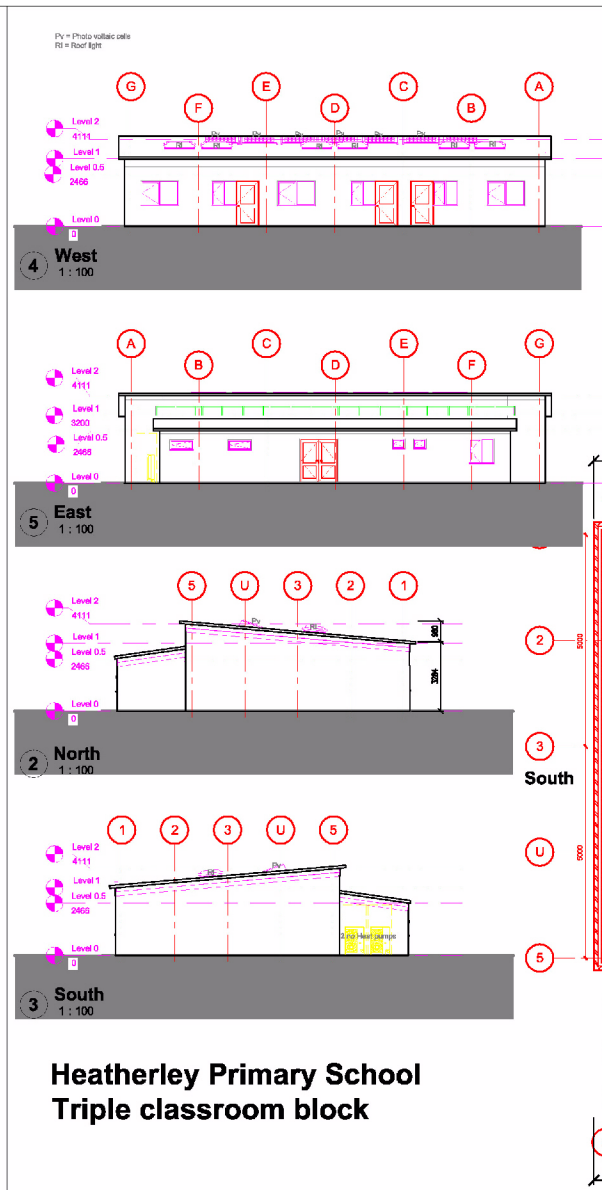
The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

Published by the Department for Communities and Local Government; August 2011.

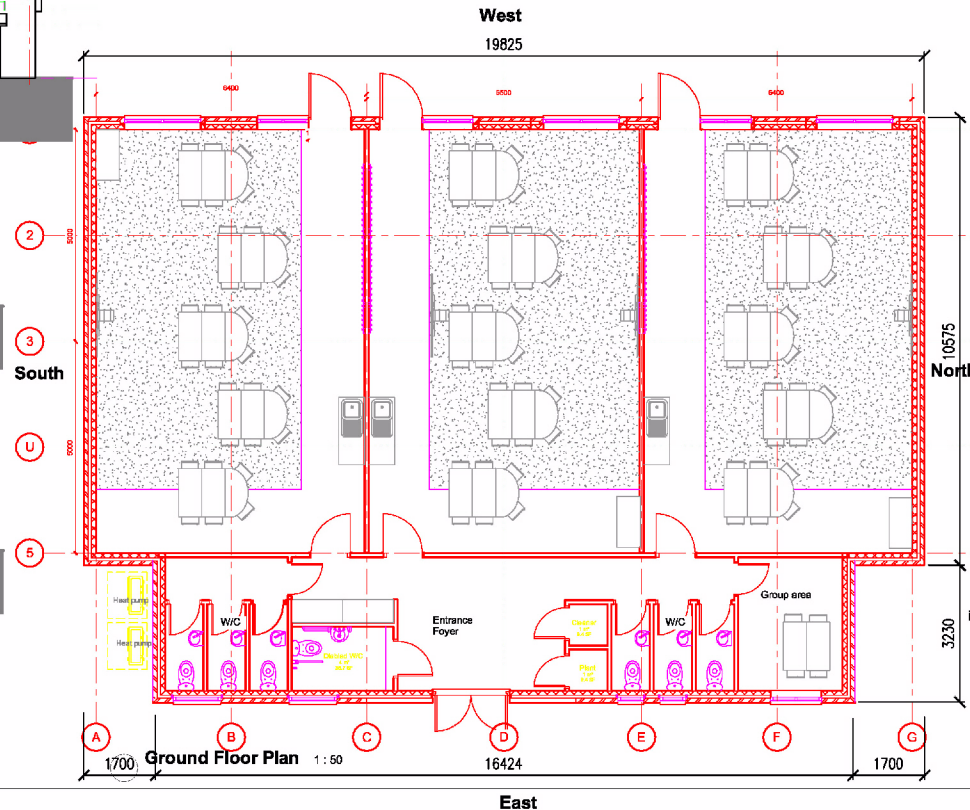
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7 Artistic Impression
1:1



Client Approval	Approved	Not Approved	Not Approved	Not Approved	Not Approved
Planning	Approved	Not Approved	Not Approved	Not Approved	Not Approved

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

All dimensions to be verified on site. Please refer to this document for more detail. This drawing is for reference only. The drawing is not to be used for construction or any other purpose without the written consent of the client.

Any work on a drawing is to be done in accordance with the provisions of the Building Regulations and the Building Control Regulations. The drawing is not to be used for construction or any other purpose without the written consent of the client.

Health and Safety Information

New three classroom unit to be of volumetric modular construction with a dark grey shallow pitched roof (8 degree angle). With the lower side of the roof towards the neighbouring properties to reduce and minimise any visual intrusion above the existing mixed oak, privet and hawthorn hedges.

Visual intrusion will be further reduced by setting the finished floor level of the building to the existing school path. This will have the effect of lower the building by approximately 700mm so as to minimise visual intrusion from the neighbouring gardens and ground floor rooms.

To further minimise visual intrusion the building has also been orientated away from the neighbouring properties so as not to reduce winter day light. This will have the added benefit of providing of acting as an acoustic screen between the neighbours and the school building.

Roof top include photo voltaic panels and roof lights as indicated.

External walls will be brick finished in mixed red facing bricks to match those of the original school. External walls will include red timber boarded details to the front (school side) main entrance doors plus a red band at eaves level to reflect that of the original school.

Windows will be white powder coated sliding sash to match those of the school.

Doors will be white powder coated to match the school doors. The main entrance doors will be red to match the school doors and high light the entrance.

New paths and paving will be tarmac paving to match the existing.

The new 2.00m boundary fence to the lower car park extension will be green Horas Pallas Plus fencing (or similar) to match the original school fence. This will be screened to the street side by the planting of an Holly hedge. To preserve the open street-scape the holly hedge will be set back from the pavement and a grass verge will be maintained.

To improve the facilities for the existing Foundation (under five years) the existing foundation play area will be altered to remove surplus raised planting area and to provide additional tarmac paved play area. This will be enclosed by extending the existing red, white and blue lollipop fencing and will include a primary colour covered shelter below sail canopy.

To improve parking facilities the car park will be extended to include parking for 10 additional staff vehicles and improve disabled parking facilities.

Rev	Description	Drawn	Check	Auth	Date
1	As Issued	EA	Mjm	EA	15.01.2015

Plan and Elevations 2

Scale of All drawings: As Issued

Drawn: EA, Check: Mjm, Auth: Approver

Project No: P.Y.BE.29174

Project: Heatherley Primary School, Heatherley Drive, Forest Town, Mansfield NG19 0PY

Nottinghamshire County Council

Trent Bridge House, For Road, West Bridgford, Nottingham, NG2 6BU

Tel: 0300 0500 80 80



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 no more than 14 days, prior to the commencement of the development hereby permitted.

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

3. The development hereby permitted shall be carried out in accordance with the following plans and documents:

- a) Drawing Ref: PY BE 29186 AI (0) 8 titled 'Location Plan' – received by the CPA on 27 January 2015;
- b) Drawing Ref: PY BE 29186 AL (0) 2 titled 'Proposed External Levels' – received by the CPA on 27 January 2015;
- c) Drawing Ref: PY.BE.29186 AL (0) 3 titled 'Plan and Elevations 2' – received by the CPA on 27 January 2015;
- d) Drawing Ref: PY BE 29186 AL (0) 6 titled 'Proposed External Works and drains' received by the CPA on 27 January 2015;
- e) Planning Application Forms – received by the CPA on 23 January 2015;
- f) Design, Access and Supporting Statement – received by the CPA on 30 January 2015;
- g) Transport Statement Ref: MT/NWK/NS/1759/TS – received by the CPA on 29 January 2015;
- h) Extended Phase 1 Survey – received by the CPA on 23 January 2015;
- i) Tree Survey undertaken by W.K.W Tree Services – received by the CPA on 23 January 2015;
- j) Contamination Appraisal Ref: P.Y.BE.29174.01 – received by the CPA on 23 January 2015;

Reason: For the avoidance of doubt.

Traffic and Transportation

4. Prior to the commencement of development details of the methods of construction in the form of an environmental management plan shall be submitted

to, and approved in writing by, the CPA. The environmental management plan shall include the following details:

- a) Lorry routeing for construction traffic;
- b) Measures to prevent the deposit of debris on the public highway;
- c) The segregation of construction vehicles and pedestrian movements on site;
- d) A scheme for the recycling/disposal of surplus soils and waste resulting from construction; and
- e) Noise mitigation measures to ensure compliance with Condition 13.

The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure there is not an unacceptable impact on traffic and transportation, in accordance with Policy M16 of the Mansfield Local Plan and the NPPF.

- 5. The development shall not be brought into use until the approved parking, manoeuvring and turning areas have been constructed, and the parking spaces have been marked out, to the written satisfaction of the CPA.

Reason: To ensure there is not an unacceptable impact on traffic and transportation, in accordance with Policy M16 of the Mansfield Local Plan and the NPPF.

- 6. The development shall not be brought into use until the approved delivery area has been constructed to the written satisfaction of the CPA. The delivery area shall be retained for its intended purpose for the life of the development.

Reason: To ensure there is not an unacceptable impact on traffic and transportation, in accordance with Policy M16 of the Mansfield Local Plan and the NPPF.

- 7. Within three months of the development being brought into use, a School Travel Plan shall be submitted to the CPA for its written approval. The School Travel Plan shall include a named Travel Plan coordinator and details of proposals including targets, timetables and enforcement mechanisms. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason: To assist in reducing reliance on the use of private cars for employees and pupils and to minimise impact on traffic and transportation in line with the NPPF.

Materials

8. Prior to the removal of the existing play area equipment, details of an area for the equipment to be relocated to shall be submitted to, and approved in writing by, the CPA. The play equipment shall thereafter be relocated in accordance with the approved details.

Reason: To prevent the loss of play space, and equipment, in accordance with Policy LT7 of the MLP.

9. Prior to their use on site, a sample/specification of the following shall be submitted to, and approved by, the CPA.

- a) facing bricks;
- b) timber cladding;
- c) single-ply membrane roof; and
- d) canopy (including colour).

The development shall thereafter be constructed in accordance with the approved material details.

Reason: In the interest of visual amenity and to comply with Policy BE1 of the MLP.

Landscaping

10. Within three months of the commencement of development a landscaping scheme and schedule shall be submitted to the CPA for its approval in writing. The scheme shall include details of proposed planting including location, numbers, density and species, and a written specification including cultivation and other operations associated with establishment. All planting and seeding shall be undertaken in the first planting season following the completion of the development. Any plants which fail, die, become damaged or diseased within a period of five years from the completion of the development shall be replaced with similar species within the first available planting season.

Reason: In the interests of visual amenity and in accordance with Policy BE1 of the MLP.

Ecology

11. There shall be no tree, shrub, scrub or other vegetation clearance works carried out between the months of March to August inclusive, unless details are submitted to, and approved in writing by, the CPA to satisfactorily demonstrate that the clearance work would not adversely impact nesting birds. Development shall be carried out in accordance with approved details.

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

12. No open excavations or trenches shall be left uncovered overnight without a mammal escape ramp.

Reason: To ensure the protection of wildlife in the interests of nature conservation.

Noise

13. Except in the case of emergency when life, limb or property are in danger (such instances which are to be notified to the CPA within 48 hours of their occurrence) construction shall be undertaken in accordance with the following:
- a) No construction works or deliveries shall take place on Sundays, Public or Bank Holidays;
 - b) Construction deliveries to site shall only take place between 07:30-18:00 hours; additionally on school days no deliveries to site shall be undertaken between 08:00-09:00 and 14:45-15:45 hours;
 - c) No construction work shall be carried out or plant operated except between 07:30 – 18:00 hours Mondays to Fridays and 07:30 – 13:00 Saturdays;
 - d) Noise generated by construction activities on the site shall not exceed 65dB ($L_{Aeq, 1hr}$) measured at a distance of 3.5m from the nearest façade of a property.

Reason: In the interests of residential amenity and safety, and in compliance with the NPPF's aim to avoid noise from giving rise to significant adverse impacts.

Contamination

14. If during development, contamination 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 the 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.

2 June 2015**Agenda Item: 8****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****ASHFIELD DISTRICT REF. NO.: 4/V/2015/0041**

PROPOSAL: ERECTION OF 420 PLACE 2-FORM ENTRY, TWO-STOREY REPLACEMENT PRIMARY SCHOOL (CLASS D1), REPLACEMENT PLAYING FIELDS, AREAS OF OUTDOOR HARD AND SOFT PLAY, AND ASSOCIATED LANDSCAPING. NEW SERVICE ACCESS ROAD AND REPLACEMENT PARKING PROVISION. SPRINKLER TANK AND PUMP HOUSING. CYCLE PARKING, EXTERNAL LIGHTING AND CCTV. 2.0M HIGH FENCING. DEMOLITION AND REINSTATEMENT OF THE SITE OF EXISTING SCHOOL BUILDINGS AND RETENTION OF EXISTING SPORTS HALL. REINSTATEMENT OF SPORTS HALL ELEVATIONS FOLLOWING DEMOLITION OF EXISTING BUILDINGS

LOCATION: BRIERLEY FOREST PRIMARY SCHOOL, WESTBOURNE VIEW, SUTTON IN ASHFIELD

APPLICANT: SECRETARY OF STATE FOR EDUCATION & NCC CHILDREN, FAMILIES & CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for the erection of a replacement primary school at Brierley Forest Primary School, Westbourne View, Sutton in Ashfield. The key issues relate to highway impact associated with the replacement school, the potential impact of the siting of a sprinkler tank and related pump housing, on the amenity of neighbouring occupiers, and the re-provision of sports field. The recommendation is to grant planning permission subject to the conditions set out in Appendix 3.

The Site and Surroundings

2. Brierley Forest Primary and Nursery School is located in a residential area approximately 750m to the north-west of Sutton-in-Ashfield town centre. 420 places are provided in the Primary School with nursery places provided in a detached Nursery and Sure Start building. 23 full-time and 52 part-time staff (37 FTE) are presently employed. The school operates an extended school day between 08:00 and 16:30 hours and core teaching times are 08:50-15:10 hours (Key Stage 1) and 08:55-15:15 hours (Key Stage 2).

3. The application site is bounded to the east by Westbourne View, a cul-de-sac approximately 130m in length, serving 21 residential properties. Westbourne View is the principal access to Brierley Forest Primary and Nursery School and the adjacent Nursery and Sure Start Centre. The school is bounded to the north by Caunts Crescent, Westbourne Road to the south and St Mary's Road to the west. A pedestrian access to the school is formed from St Mary's Road opposite the junction with Ashgate, and passes beneath a terrace of residential properties joined at first floor level. A vehicular access to a staff and visitor car park is formed adjacent to 9 St Mary's Road (Plan 1).
4. The application site is comprised of the school site, the vehicular and pedestrian access points from St Mary's Road, land within the school grounds between the Nursery and Sure Start Centre to the rear of 2-12 Westbourne Road, and a strip of land adjacent to the highway to the east of 2 Westbourne Road. The Nursery and Sure Start Centre, whilst in the ownership of the County Council, does not form part of the application site.
5. Buildings on the site have a broadly linear footprint approximately 135m in length. The original school buildings are of single storey CLASP construction, joined by a multi-purpose hall with a footprint 19.4m x 10.2m and 6m in height, changing rooms and link corridor, built in 2008 (Plan 2).
6. A 20 place car park, including two disability parking spaces, is provided in front of the main school entrance and Key Stage 1 building on Westbourne View. Levels on the site fall from north to south. A 31 space car park is provided on a higher area of the site accessed from St Mary's Road, although one of the parking spaces is used for bin storage. The Key Stage 2 CLASP building adjacent to the car park is erected on three levels, connected internally by stairs and a lift. The lower part of the site can be accessed externally via a ramp with steps.
7. Outdoor hard play area is provided to the south of existing CLASP buildings and to the west of the hall, with grass playing field provided in the south-west of the application site.
8. The main tree group on the site lies adjacent to the car park accessed from St Mary's Road and is comprised principally of Category B and Category C Norway maple, with horse chestnut, sycamore and birch (T1-T12). A group (T15-T19) of Category C trees with the exception of one Category B lime (T20) is established to the north of the outdoor hard play area, with a Category C sycamore (T21), and Category B Norway maple (T22) and horse chestnut (T23) established to the south-west of the hard play area adjacent to the boundary with 27-31 St Mary's Road.
9. A Category C beech tree (T31) stands adjacent to the boundary with 16 Westbourne Road, and a Category B Norway maple (T34) and Category C weeping willow (T35) stand to the south of the Nursery and Sure Start Centre adjacent to 4-6 Westbourne Road. Other trees of note are two Category B sycamore (T37,T38) standing forward of the school on the frontage to Westbourne View, a Category B sycamore (T25) to the south of the sports hall,

and a Category B red oak (T29) to the west of the Nursery and Sure Start Centre.

10. Other than where buildings form the site secure line, the site is enclosed by 2.0m high palisade fencing.

Proposed Development

Background

11. Nottinghamshire County Council (NCC) has been successful in bidding for funding to replace 12 schools throughout the county through the Priority Schools Building Programme in partnership with the Education Funding Agency. Background information to the programme, including details of the successful schools is attached (Appendix 1). The applicant has stated that the condition of existing school buildings is poor. Following a preliminary feasibility study the optimum solution has been identified as comprehensive redevelopment with only the recently built sports hall (with changing and storage areas) and the Nursery and Sure Start to be retained.

Proposed development

12. Planning permission is sought to erect a replacement 420 place two-form entry Primary school. The overall capacity of the school would not change and core teaching hours would remain as at present (08:50 hours-15:15 hours). An extended school day would offer Breakfast Club from 08:00 and after school activities until approximately 16:30 hours.
13. The number of staff employed at the school and nursery would remain as at present (23 full-time and 52 part-time). 20 staff and visitor car parking spaces, including two disability parking spaces (within the Westbourne View car park) would be provided, and 31 staff and visitor parking spaces would be provided accessed from St Mary's Road..

Built Development, Playing Field Provision and Ecology

14. A rectangular two-storey building with a footprint of 66.7m x 18.3m is proposed, providing a total floor area of 2379m² (Plan 3). The building would be erected centrally on the site on the northern edge of the existing playing field and the adjoining outdoor hard play, to the south of the retained sports hall and changing rooms and to the west of the Nursery and Sure Start building. The proposed siting would require the removal of the Category B sycamore (T25) and red oak (T29) trees. The south-west corner of the building would be sited at closest 28m from the boundary with 33 St Mary's Road and 44m from the rear of the semi-detached house. The rear of 18 Westbourne Road would be 46m from the south-east corner of the proposed building and 31m from the site boundary.
15. The proposed school building would have a pitched roof and would be 7m in height measured to the eaves with a ridge height of 10.2m (Plan 4). The building would be generally faced with red brick to a height of 2.7m with contrasting white and buff coloured render at first floor level of the end and central elevations. The

building would be roofed with grey coloured concrete roof tiles. A kitchen flue, formed on the south facing roof slope would project 1.3m above the roof and 0.8m above the building ridge-line.

16. An entrance portico would be formed towards the centre of the north facing elevation. The use of groups of three two-storey window openings, with floors separated by coloured spandrel panels would give distinct rhythm to the elevations. Grey coloured aluminium window frames, doors, louvre panels and rainwater goods are proposed.
17. Classrooms would be provided on both floors of the main school building linked by a central corridor. Reception classrooms would be provided at ground floor at the eastern end on the north side of the building, with four infant classrooms provided on the opposing side of the building (Plan 5). Ground floor windows in the end elevation would provide passive surveillance of the adjoining outdoor play area. The school hall, kitchens and plant room would be provided at the western end of the building. Eight junior classrooms would be provided at first floor level, as well as a staff room and support facilities (Plan 6). Stairwells would be provided at either end of the central corridor, and a lift would be located centrally within the building.
18. A Reception/Key Stage 1 outdoor play area, enclosed either by existing security fencing separating the school from the Nursery and Sure Start Centre, 1.2m high weldmesh fencing, or existing 1.6m high picket fencing, would be provided to the east of the building adjacent to Nursery and Sure Start Centre. The enclosed Nursery outdoor play area to the south would be capable of being shared with Foundation age school children. An area for informal outdoor Key Stage 2 hard play would be retained to the north of the building to the west of the retained sports hall, with a Key Stage 2 games court provided on a retained area of hard surfaced play between the west of the building and properties on St Mary's Road. Two trees to the north of the games court, identified as being of poor quality, would be removed.
19. A sprinkler tank with associated pump housing would be provided within an enclosure to the south of the games court and would be sited, at closest, 5m from the boundary with 33 St Mary's Road (Plan 3). An illustration has been provided and while the design has not been specified in the application, the sprinkler tank is anticipated to be 3.5m in height with the adjacent pump housing 2.5m in height, enclosed by vertical timber of a corresponding height. Two trees would be planted between the sprinkler tank/pump housing enclosure and the site boundary.
20. The existing playing field would be impacted by the proposed development, but would be able to accommodate, with a minor modification to the southern boundary fence, a 60m x 42m U9-U10 football pitch (including appropriate pitch run-off) on an east-west orientation, 60m six lane running track, and facility for high-jump. A Category C beech tree recorded as having rubber matting to the base and a bark wound to the lower trunk in the eastern corner of the playing field would be removed.

21. Following the new school building being brought into use, the existing Key Stage 1 and Key Stage 2 buildings would be demolished with the points at which they adjoin the retained sports hall and changing rooms made good. The site of the Key Stage 1 building would be established as a 40m x 25m playing field suitable for U7-U8 football with appropriate run-off areas (Plan 3). The Category B sycamore (T37) and Norway Maple (T38) forward of the existing school building towards Westbourne View would be removed to allow a new access road to be provided to the south of the new playing field, leading to a turning head adjacent to the sports hall and the new school entrance (Paragraph 27). Replacement tree planting would be provided adjacent to the retained staff and visitor car park at the eastern end of the area reinstated as playing field. A bin storage area enclosed by timber fencing would be provided in the Key Stage 2 informal play area approximately 18m from the entrance to the school kitchen.
22. The site of the Key Stage 2 building would be levelled and laid as playing field and would include a facility for long-jump with a 50m run-up.
23. The Extended Phase 1 Habitat Survey Report supporting the application does not identify significant ecological features on the site. However the report recommends that favourable habitats and roosting opportunities for bats are incorporated in the design, and the installation of a range of bird box designs in trees and the building to increase opportunities for nesting. Although there is no evidence of bats roosting on the site recorded in the Bat Survey Report supporting the application, it is noted that any structure may be used by an individual or transient bat and a precautionary approach towards demolition is advised.
24. A total of 11 trees on the site are proposed to be felled. However, only nine of the trees are Category B or Category C and the planting of nine replacement trees is proposed.

Access, Car Parking and Pedestrian Movement

25. The school would continue to be accessed from St Mary's Road and Westbourne View. The existing car park accessed from St Mary's Road would be retained for staff parking and, with one space no longer required for bin storage, 31 parking spaces would be provided. Staff would access the new school building via an existing path and steps.
26. A new access road with adjacent pedestrian path would be formed at the southern end of the existing car park, accessed from Westbourne View (Plan 3). Two car parking spaces would be lost in providing the new access road. Following demolition of the existing Key Stage 1 building and modification of the car park as part of the site reinstatement works, 20 car parking spaces for staff and visitors, including two disability parking spaces would replicate existing parking provision. Disability parking located in the Westbourne View car park would provide suitable access to all operational areas of the site.
27. The new access road would run to the south of the new playing field, leading to a turning head adjacent to the sports hall and the new school entrance (Paragraph 21).

28. Thirty cycle parking spaces, 16 of which would be covered, would be provided forward of the retained sports hall towards the new school building.
29. No increase in the number of pupils or staff is proposed and the Transport Statement supporting the application concludes that no negative impacts on the highway network are anticipated. The segregation of pedestrians and vehicles and provision of cycle parking facilities is expected to contribute to the site operating more efficiently with improved levels of safety.
30. A School Travel Plan framework (undated) has been submitted identifying current issues of congestion outside the school particularly on Westbourne View and Westbourne Road, inconsiderate parking by parents (including parking on zig-zag lines), local deliveries taking place at school start/finish times, and the speed and volume of traffic on Westbourne Road and St Mary's Road. Targets are to be set to encourage behavioural and material changes towards sustainable travel, with each objective given a specific target and timescale in which to fulfil the objective.

Site Security and Lighting

31. The school boundary would be secured through a combination of existing palisade fencing and proposed 2.0m security fencing, forming a secure line between the replacement playing field and car park adjacent to Westbourne View.
32. Bulkhead lighting would be fixed to external elevations of the building at a height of 3.2m and 6.0m high lighting columns would be provided along the new access drive. In addition, a lighting column would be provided on the path linking the school to the upper car park accessed from St Mary's Road. All other areas of the school would be lit by existing site lighting.
33. Fixed-dome CCTV would be provided at a height of 3.2m on all corners of the building, providing surveillance of all elevations. No CCTV is proposed in car parking areas or elsewhere on the site.

Sustainability

34. Sustainable construction measures are proposed to be incorporated in the building, exceeding insulation requirements set out in the Building Regulations, maximising daylight, incorporating building management of systems and controls, energy efficient lighting, heat recovery ventilation systems and summer night-time cooling.

Drainage

35. Proposed drainage is to be designed to ensure that a 1 in 100 year storm event (making allowance for climate change) would not result in the proposed building being flooded, or cause properties adjacent to the school to be exposed to increased flood risk. The proposed building would reduce the developed footprint by more than 30% and attenuation of surface water is not proposed. Surface water drainage proposals would be designed to ensure that no surface flooding occurs in the critical storm event for the 1 in 30 year return period.

Construction Access and Phasing of Development

36. The frontage to Westbourne View is developed and the only suitable point for construction access is to the south of the Nursery and Sure Start building, adjacent to the boundary with 2-14 Westbourne Road. The vehicular access on St Mary's Road leads to the car park on the upper part of the site only, and would not be suitable as an access for construction.
37. Use of the construction access to the rear of 2-14 Westbourne Road would require the Category B Norway maple (T34), Category C weeping willow (T35) and Category B beech (T31) to be felled. Two replacement trees would be planted adjacent to rear of 2-4 Westbourne Road in mitigation for the removal of T34 and T35.
38. Following occupation of the new school buildings, the CLASP Key Stage 1 and Key Stage 2 buildings would be demolished and the footprint reinstated, mainly as playing field (Paragraph 21), with elevations of the retained sports hall building made good. Phased construction plans have been submitted which demonstrate that construction activities would be suitably segregated from the school which would remain in operation for the period of the build.
39. The existing Key Stage 1 building would be the first to be demolished, during which pedestrian access to the new school would be gained from St Mary's Road only, with the construction access adjacent to the boundary with 2-14 Westbourne Road retained for school deliveries and other operational requirements. Only the staff car park accessed from St Mary's Road would be available during this phase of demolition.
40. Demolition of the existing Key Stage 2 building would not take place until the new access drive has been provided and the Westbourne View staff and visitor car park has been made available. Demolition traffic would use the car park access from St Mary's Road, while keeping 13 of the car parking spaces available for use by staff. The route used by construction traffic and by pedestrians during Phase 1 demolition adjacent to the rear boundary of 2-14 Westbourne Road would be retained as a school playing field and maintenance access only as part of the completed development.

Consultations

41. **Ashfield District Council** – No objection. A landscaping scheme including plant species, sizes, planting densities, and maintenance, and details of sports pitch construction and topsoil specification will be required.
42. A four-stage condition is recommended to deal with contamination requiring the submission of a desk-top study, site investigation, scheme of remedial works and validation report following the completion of remedial works.
43. Consideration should be given to the hours and days of use of the outdoor recreation facilities given that the school is located in a residential area.

44. **NCC Highways Development Control** – No objection subject to conditions to require a pre-construction and post-construction highway condition survey on Westbourne View; controls on hours of deliveries to site; controls on lorry routing for construction traffic, measures to prevent the deposit of debris on the public highway, segregation of construction vehicle and pedestrian movements, details of recycling/disposal of surplus soils and waste resulting from construction; proposals during the construction phase and demolition phases of development for vehicular access, the number of staff parking spaces to be provided on-site; parking by school staff unable to park on the site, pedestrian access to the operational school site, and parking by contractors engaged in site construction; the timely provision of car parking; completion of a School Travel Plan; and a review of the School Zone.
45. *There will be no increase in staff or pupil numbers and in view of this it is anticipated that travel patterns for those using the school will not adversely alter from the present situation.*
46. *Parking provision on the site will be improved by the addition of one extra space which although only a small improvement will assist in lessening the overall impact of on-street parking by school staff.*
47. *It is acknowledged that at school start and finish times there can be highway related issues on the surrounding roads which can adversely affect local residents. There have been a number of representations made to the Planning Authority from residents on Westbourne View and St Mary's Road regarding concerns about highway matters including congestion and parking as well as the material condition of the road.*
48. *In relation to congestion, as highlighted above, the school will be no larger than at present and therefore it is fair to assume that there will be similar volumes of traffic on the local roads following the development compared to the present situation.*
49. *In respect of parking there will be one additional parking space on site which will provide a small improvement to all day parking in the area, whilst for parking at school opening and closing times the staggered opening and closing times together with the implementation of the School Travel Plan should assist in reducing the impact of this in the future.*
50. *In relation to the condition of the road surface, it is inspected for safety by the Highway Authority on an annual basis and whilst it may aesthetically not look its best, the surface is safe for road users. However conditions can be requested to ensure that any further damage attributable to the building work is made good at the applicant's expense.*
51. *Whilst the concerns outlined by the residents are appreciated, the Highway Authority can only comment as a statutory consultee on the technical aspects of the new development. In this case the development is for new school buildings to be attended by the same number of pupils and staff as of present. In view of this and the fact that there is unlikely to be any significant change on the impact to the highway, the Highway Authority has to pay regard to the National Planning Policy Framework which advises that development should only be*

prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In view of this the Highway Authority has no objections on highway grounds to the proposed development.

52. **NCC Road Safety Team** - No objection. *Construction traffic access needs to be managed to minimise conflict with children and parents accessing the school. There has been one reported injury collision on Westbourne View in the latest three year recording period, but was not related to the school.*
53. **Sport England** – No objection subject to the quality of replacement sports pitch provision being secured by planning condition. Conditions will be required for the submission of a baseline assessment of the quality of existing grass playing field impacted by the development, details of replacement playing field construction to a standard at least equivalent to the baseline assessment, a construction specification for new hard play areas, drainage of new areas used for outdoor play, and a grid of levels of areas of replacement playing field and new areas of hard play. Replacement playing field and areas of hard play are to be provided before the new school is brought into use or an agreed timetable for their provision. If the recommended conditions are not attached to a grant of planning permission Sport England would raise a statutory objection to the development, requiring the application to be referred to the National Planning Casework Unit.
54. **NCC Design Services** – No objection. *The distance of the building from the boundary and height of the building is appropriate for the site and will be a huge improvement of existing facilities. There is good separation of pedestrians and vehicles. The siting would bring the school and community services together although the playing field will be close to the school building. The Foundation play area appears remote with little passive supervision. [Comment: Although not included in the original submission, ground floor windows are proposed providing passive surveillance of the Foundation play area (Paragraph 17).]*
55. *The use of brick and render are appropriate. The building gables are very plain and while consistent with other elevations could be visually broken up using colour or varied materials. The entrance is defined by a canopy but appears plain and insignificant.*
56. **Police Force Architectural Liaison Officer** - No response received.
57. **NCC Landscape Team** – *The demolition of the two existing school buildings and the massing of the single new two-storey building will release more external space for the use by the school. The impacts on the landscape and the surrounding visual receptors has not been assessed in the application but it is likely that there will be some visual impacts primarily of the new school within the southern half of the site.*
58. *Trees should be replaced to offset all those being lost, as recommended in the supporting ecological survey. Trees do not have to be placed within the same location but should be included in the overall site master plan and provide a function (shelter/shade) and/or educational resource e.g. orchard, woodland copse - wildlife habitat. The detailed design of the hard and soft landscape proposals should be conditioned if planning permission is granted.*

This should include the details of the landscape maintenance and management of the site.

59. **NCC Built Heritage Team** - *The Heritage Statement supporting the application has identified potential views of the development in the context of the setting of Heritage Assets [a graveyard and church spire to the south of the site]. Existing residential development, the distance from the asset and scale of the development would have a neutral heritage impact.*
60. **NCC Energy and Carbon Management Team** – No response received.
61. **Natural England** - No objection. The development is the subject of standing advice for the identification and, where necessary, mitigation of protected species.
62. *The application may offer opportunities to incorporate design feature beneficial to wildlife such as roosting opportunities for bats or the installation of bird nest boxes.*
63. *The site is in an area that would benefit from enhanced Green Infrastructure which can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.*
64. **NCC Ecology Team** – No objection subject to conditions. *Although there is no evidence of bat roosting on the site, a condition is recommended to require demolition to take place in accordance with mitigation measures identified in the Bat Survey Report supporting the application, including the removal of hanging tiles by hand.*
65. *Bats have been found to fly along the northern and western boundaries of the site following tree lines, and it is recommended that this feature is reinforced through additional tree planting. Although proposals for replacement tree planting are generally satisfactory, species have not been specified and should be secured through planning condition. Wildlife-friendly native tree and shrub species should be planted.*
66. *Vegetation clearance during the bird nesting season should be controlled through planning condition.*
67. *The Extended Phase 1 Habitat Survey recommends habitat enhancement through the incorporation of bird nest boxes and bat boxes in the appropriate locations within the development and should be secured through planning condition.*
68. *eDNA water sampling has confirmed that Great Crested Newt are not present at the site and no further work is required.*
69. **Nottinghamshire Wildlife Trust** – No objection subject to conditions to control vegetation clearance during the bird nesting season, and the incorporation of bird boxes and bat roosting opportunities on retained trees and in the new building fabric. The proposed use of native species planting is welcomed.

70. *The proposed methodology to safeguard against potential harm to bats during demolition is satisfactory.*
71. *eDNA water sampling has confirmed that Great Crested Newt are not present at the site and the development is unlikely to impact on this protected species. The pond is to be retained within a wild meadow area but would benefit from being increased in size. Details of the proposed seed mix to be used and management of this are should be required to be submitted.*
72. *It is proposed that six trees are planted although 10 trees would be felled, leading to an overall loss of biodiversity. Four additional native trees of local provenance should be planted. [Comment: Amended plans have been submitted proposing the planting of nine replacement trees.] Additional advice is provided on further biodiversity enhancements that could be made.*
73. *The site lies with the 5km buffer zone identified in Natural England's Indicative Core Area for nightjar and woodlark. However, in this case, given the location and nature of the works, direct or indirect impacts on these bird species is unlikely.*
74. **NCC Land Reclamation Team** – The supporting report contains limited data, but those samples taken have not identified significant concerns. *No objection subject to a watching brief being implemented during initial ground works on-site, with particular scrutiny given to asbestos containing materials within made ground surrounding existing structures and across the area of the proposed development. In the event that contamination not previously identified is encountered during construction an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and approved. Following the completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted and approved by the CPA.*
75. *A follow-up investigation of the footprint area of the existing school, once demolition works have been completed should be required as a planning condition, with specific emphasis given to the potential presence of asbestos containing materials across and adjacent to this area.*
76. *There do not appear to be any contaminated land issues of significance associated with this development. The only contaminant of concern is elevated Benzo (a) Pyrene concentrations within the shallow made ground soil materials on-site. However as this area would be built over, this would not appear to be a significant issue, except for ground workers during the initial construction phase of the proposed development. The potential risk to site workers can be easily mitigated by the use of appropriate PPE, including face masks during dry and/or dusty conditions.*
77. **NCC Project Engineer (Noise)** - No objection subject to conditions to; control the timing of site deliveries, and hours of work on school and non-school days; submission of a Construction Environment Management Plan to include details of noise mitigation during construction; control of operational noise outside normal school hours; and the limiting of noise from fixed plant and equipment.

78. *An assessment has been made of the external noise climate to determine the ventilation strategy for the new school. Natural ventilation would be appropriate in accordance with Priority Schools Building Programme Acoustic Guidance.*
79. *The potential noise impact from fixed plant on the nearest residential receptor has been assessed. Plant should be designed to ensure a maximum noise level of 50dB(A) at 3m from any façade. If this is achieved, it is unlikely that complaints will occur from residential properties arising from plant noise. The proposed site plan indicates that a sprinkler tank and pump house would be located near to the western boundary of the site. The only 'noisy' item in the pump house would be the single 11KW electric pump which would be tested once a week during the day for a few minutes to ensure that the pump functions correctly. As such the sprinkler tank and pump house would not give rise to any notable noise impact at neighbouring properties due to the short duration. Any prolonged operation of the pump house will occur during a fire event which can be considered an extreme one-off event. All plant should be subject to a standard noise condition to guard against noise nuisance at neighbouring properties.*
80. *The school currently has a capacity for 420 pupils and no increase in capacity is proposed. This will help maintain the prevailing noise climate, and should help minimise any adverse reaction from surrounding neighbouring residential properties. There will be some redistribution of play spaces around the site. While there may be some change in the type, duration and frequency of noise at some properties, it is unlikely to provoke an adverse reaction from residents due to the long established precedent of noise from external school activities over many years.*
81. *The submitted noise assessment has also considered the noise impact from the use of the school buildings outside of normal school use by community groups etc. A noise condition will be required to control noise from activities within in the school grounds outside of normal school hours.*
82. *Baseline noise levels recorded at this site indicate that a threshold value of 65dB LAeq,1hr will be applicable during construction. The contractor should outline what steps to be taken to minimise noise impact from construction activities within a Construction Environment Management Plan, which would be conditioned as part of any granting of permission.*
83. **NCC Flood Risk Management** – Drainage proposals are acceptable and a condition requiring a detailed drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development is recommended.
84. **Severn Trent Water Limited** – No response received.
85. **Western Power Distribution** - No response received.
86. **National Grid (Gas)** - Gas apparatus is present on the site.

Publicity

87. 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.
88. Councillor David Kirkham has been notified of the application.
89. Six residents of Westbourne View/Westbourne Road, and one resident of St Mary's Road, have submitted representations. One of the residents does not object to the school building. The objections raised are summarised as:

Highways/Traffic

- a) Westbourne View is a cul-de-sac with inadequate capacity. Traffic congestion. Existing parking problems. Obstruction to emergency services accessing Westbourne View.
- b) Parents, staff and visitors park on the highway. Lack of parent parking. Inadequate on-site staff parking. Requests that staff, visitors and parents do not park on the Westbourne View are ignored.
- c) Inconsiderate drivers and inconsiderate parking (6). Blocking of driveways (2). Abuse from parents (2). Poor parking is a danger to children.
- d) The highway on Westbourne View is in poor condition (2).
- e) Parking problems on Westbourne View will worsen. Increased traffic with outdoor use outside school times. Increased traffic will affect child safety.
- f) Provide double yellow lines on Westbourne View. Westbourne View should become a resident-only parking zone.

Privacy and Amenity

- g) Loss of privacy from overlooking of property on St Mary's Road and Westbourne View from the new school building (2). Loss of privacy to the rear of 2 Westbourne Road from use of the existing path to the nursery could be addressed through additional planting.
- h) A maintenance regime is needed for existing and proposed trees.
- i) Noise from extended hours of use of outdoor facilities.

[Comment: Three residents have raised concern about flood lighting of outdoor pitches, giving rise to loss of amenity, noise and increased traffic. However, flood lighting of pitches is not proposed and is not material to the determination of this application.]

- j) Noise from the sprinkler tank/pump housing.
- k) Impact of security lighting on neighbouring property. Motion-sensor lighting will be activated by foxes.

Other Matters

l) Drainage from the sprinkler tank/potential to leak and cause flooding.

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

Observations

Strategic Education Provision

91. The proposal would replace school buildings that are reaching the end of their design life and are no longer suitable for the delivery of a modern educational curriculum. The proposed school, with a design capacity of 420 pupil places, would replicate current provision and staff numbers would remain unchanged.
92. Great importance is attached to ensuring that sufficient choice of school places is available to meet the needs of new and existing communities in NPPF *Promoting Healthy Communities* (Paragraph 72). Great weight should be given to the need to create, expand or alter schools. In a letter to Chief Planning Officers, the Secretary of State for Communities and Local Government has stated that there should be a presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community (Appendix 2).
93. 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.

Highway Impact, Traffic and Movement

94. 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. Whilst concern is raised in representations (Paragraph 89e)) that parking problems will worsen, the proposal would replace existing school buildings on a more compact footprint, but would not result in an expansion or increase in the capacity of the school. Concern has been raised that traffic will increase with use of outdoor facilities outside of school times. However, community use of the site would be less intensive than when the site is used as a Primary school and does not give rise to significant highway concerns. The playing fields are not proposed to be flood-lit and community use of outdoor facilities would be limited to daylight hours.
95. Ashfield Local Plan Review (Adopted November 2002) (ALPR) Policy ST1 *Development* will permit development (amongst other criteria) that will not adversely affect highway safety, or the capacity of the transport system. The principal access to the school is on Westbourne View, which is a cul-de-sac. The provision of the new school access would result in the loss of two existing parking spaces. However, the spaces would be re-provided following demolition of the Key Stage 1 building, modification of the car park layout and re-instatement of the site. Whilst the concerns of local residents are acknowledged, and a planning application to replace the school could appear to offer an opportunity to address existing issues, the concerns raised relate to the existing operational use. Addressing a lack of parent parking (Paragraph 89b)), the

provision of dedicated parent parking would be contrary to sustainable travel objectives and could encourage parents to drive to school and potentially worsen impacts on the highway in proximity to the school.

96. Once the new school is occupied, demolition has taken place and the new access from Westbourne View has been provided, the informal, unmade pedestrian access to the school between the Nursery and Sure Start Centre and the rear of properties on Westbourne Road would only be used as a site maintenance access. The relocation of the pedestrian access 40m to the north would not give rise to material change in terms of traffic or trip generation on Westbourne View. However, it is recommended that a review of the School Zone on Westbourne View and Westbourne Road is undertaken to ensure that appropriate highway markings, signage and, if required, pedestrian guardrails are provided (Condition 26).
97. No change is proposed to the pedestrian and vehicular access points on St Mary's Road. The car park accessed from St Mary's Road would continue to be used by staff and, with there no longer being a need for space to be taken by bin storage, one additional parking space would be made available following the demolition of the Key Stage 2 building. On visiting the site during the school day it has been observed that parking spaces were available in both school car parks.
98. ALPR Policy TR3 *Pedestrians and People with Limited Mobility* will permit development where suitable provision is made for safe and convenient access by pedestrians and people with limited mobility. Pedestrian routes would be suitably segregated from vehicular traffic within the site. Disability parking spaces would be provided closest to the school entrance gate and the current number of disability parking spaces would be re-provided at the new school. It is considered that adequate car parking, and on-site parking and manoeuvring space for service vehicles, would be provided to meet the operational needs of the school.
99. Whilst on-street parking can be an inconvenience to residents, parking impacts at the beginning and the end of the school day are relatively short lived. However, poor parking by parents and the obstruction of drives by parked vehicles is an understandable source of annoyance. Notwithstanding representations reported at Paragraph 89f), existing highway conditions are not considered to require a Traffic Regulation Order to be made. Should circumstances change, an Order to control on-street parking or the introduction of a resident-only parking scheme could be made, following separate procedure under the provisions of the Road Traffic Regulation Act 1984 and following public consultation.
100. Members are advised that it would be unreasonable to withhold planning permission on highway grounds for a redevelopment of the site which would not materially change the character of the existing use. If planning permission was not to be granted the existing school would continue in operation and existing highway issues identified in representations would persist.

101. The framework for a Travel Plan has been submitted in support of the application and identifies relevant school issues. The school is best positioned to influence parent behaviour and address the representations raised at Paragraph 89a)-89c). A robust School Travel Plan that is both deliverable and enforceable would maximise the use of non-car modes of transport and it is recommended that education relating to sustainable travel; safe travel to school; demand for, and future provision of additional covered cycle spaces; safe student drop-off and pick-up; and considerate parent parking are the subject of a recommended condition (Condition 24).
102. Concern has been expressed in representations about the poor condition of Westbourne View (Paragraph 89d)). Whilst beyond the application site, the quality of the highway may be impacted by construction traffic needing to make tight manoeuvres in order to gain construction access between the Nursery and Sure Start building and the rear of properties on Westbourne Road. Conditions are recommended to require a highway baseline condition survey and post-completion survey (and if required, damage arising to be repaired) to be submitted (Condition 5 and Condition 23).
103. ALPR Policy TR2 *Cycling Provision in New Developments* will permit development to which cyclists would reasonably expect to have access where provision is made for safe and convenient cycle access. The initial provision of 30 cycle parking spaces is considered to be appropriate for a 420 place school. 16 of the spaces would be covered and located centrally on the site benefitting from passive surveillance from the school building and the sports hall. The need for the provision of additional spaces, and covering of cycle spaces, is recommended as an objective of the School Travel Plan (Condition 24).

Built Development, Landscape Impact and Replacement Playing Field

104. ALPR Policy ST1 *Development* will permit development (amongst other criteria) that will not adversely affect the character, quality, amenity or safety of the environment.
105. The proposed redevelopment would not alter the character of the site, although the impact of development on neighbouring property requires further consideration. Existing single storey school buildings would be replaced by a two-storey building on a compact footprint. The orientation of the building would present the end elevation (18.3m in width) towards St Mary's Road (Plan 3). The building, with a ridge height of 10.2m, would be sited at closest 44m from the nearest house and would have an acceptable relationship to properties to the west. No windows are proposed to be installed at first floor level in the west facing elevation of the building and would not threaten the privacy of neighbouring property. The central location on the site and landscape impact of the building is considered to be acceptable.
106. The closest property to the south (18 Westbourne Road) would be sited 46m from the building. It is considered that the use of first floor classrooms would not give rise to unacceptable threat to the privacy of neighbouring occupiers, and would be acceptable in compliance with ALPR Policy ST1 *Development*.

107. The design review undertaken by NCC Design Services reported at Paragraph 54-55 is supportive of the proposal. The use of red brick, grey window frames and louvres, two shades of green and grey infill panel, and the contrast of two render colours are considered to be acceptable. The NCC Design Review comments on the insignificance of the proposed entrance canopy, but the use of green render and signage on the portico, which would stand proud of the building, is considered to be acceptable.
108. Although modified by the siting of the proposed building, existing areas of outdoor hard play used by Key Stage 1 and Key Stage 2 would be retained and re-used. The overall provision for hard play is considered to be acceptable and makes efficient use of legacy areas of outdoor play.
109. Playing field to the south of the existing school and a graded bank to the north of the Key Stage 1 building is the subject of ALPR Policy RC3St, which seeks to resist the development which would lead to the loss of formal open space unless (amongst other criteria) new formal open space would be provided locally.
110. Sport England Planning Policy Statement, *A Sporting Future for the Playing Fields of England*, explains that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless one of a number of exception criteria can be met.
111. Policy E4 would be met where *the playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.*
112. Appropriate replacement playing field provision would be made to the north of the school access road, to the east of the retained sports hall on the site of the existing Key Stage 1 building. Subject to replacement playing field being of a quality equivalent to that lost, and recommended conditions requiring the submission of a baseline pitch assessment to be used as a minimum specification for the area of replacement playing field, Sport England does not object to the application (Condition 10 and Condition 19). A construction specification for new hard play areas, drainage of new areas used for outdoor play, a grid of levels of areas of replacement playing field and new areas of hard play, and timetable for their provision are also the subject of recommended Condition 19. It will not be possible to construct the replacement playing field until after the Key Stage 1 building has been demolished.
113. ALPR Policy EV8 *Trees and Woodlands* will not permit development which would adversely affect trees worthy of retention. Where trees would be lost as a result of development, replacement or mitigating planting will be required.
114. Construction access, the siting of the building, and provision of replacement playing field would require trees to be felled. The loss of tree specimens, although generally of good quality, needs to be balanced against the merits of the proposed development. With the exception of the Category B sycamore (T37) and Norway Maple (T38), trees that would be removed are not visually

prominent or notable specimens when viewed from public land. Subject to the provision replacement tree planting, the loss of trees is considered to be acceptable (Condition 18). An Informative is recommended to advise that the six Category B trees to be felled should be replaced by Extra-Heavy Standard trees, while three Category C trees should be replaced by Heavy-Standard specimens (Note 4).

115. It has been suggested that a maintenance regime is needed for existing and proposed trees (Paragraph 89h)). It is considered that to require a tree maintenance regime for existing trees by planning condition would go beyond the scope for which planning permission is sought. However, any necessary works should be carried out as part of routine maintenance of the school site.
116. Parent assembly currently takes place on Westbourne View and the unmade pedestrian access to the south of the Nursery and Sure Start Centre. Although the applicant has been asked if planting can be provided adjacent to the rear boundary of 2 Westbourne Road, the applicant has declined on grounds of cost. However, ceasing to use the access would reduce potential for loss of privacy and overlooking of the rear of 2 Westbourne View. Two replacement trees would be planted to the rear of 2-4 Westbourne View and is considered to be satisfactory.
117. The precise details of the height and design of the sprinkler tank and associated pump housing is not yet known, and the detail of the design and height of the surrounding enclosure would be reserved by recommended Condition 15a). An illustration, showing that the sprinkler tank and pump housing would be enclosed by timber, has been submitted in support of the application. The siting of the enclosure a maximum of 3.5m in height and 5m from the boundary with 31 St Mary's Road is considered to be acceptable and the visual impact would be mitigated by the proposed planting of two trees. Noise associated with the operation of the sprinkler tank and pump is considered in the following section of the report.

Contamination and Noise

118. Although Ashfield District Council has recommended that site contamination is the subject of a four-stage planning condition, the submitted desk top study is considered to be satisfactory and the site investigation, whilst limited, has not identified significant site contamination issues. A condition is recommended to require the submission of a watching brief with a precautionary approach to be taken in the event that unexpected contamination is encountered (Condition 11 and Note 2).
119. There is potential for asbestos containing materials to be encountered when the existing school buildings are demolished. The two existing school buildings would be demolished separately and recommended Condition 21 would require a pre-commencement asbestos survey and validation report for each building to be submitted to confirm that the post-demolition footprint does not contain asbestos containing materials or other contaminated materials.
120. Construction work has the potential to generate significant levels of noise, and construction activities and deliveries to site should be controlled through

planning condition (Condition 8 and Condition 9d)). The movement of construction traffic during periods at the beginning and end of the school day should be restricted (Condition 8c)). In addition, the demolition of the existing school buildings should be controlled and is the subject of recommended Condition 22.

121. The consultation response from NCC Project Engineer (Noise) considers the potential noise impact from operational outdoor activity but does not anticipate that use of areas of playing field would provoke an adverse reaction from residents. The consultation response also identifies an established precedent of noise from external school activities, although outdoor activities may be redistributed on the site. The existing school capacity would remain unaltered and would maintain the prevailing noise climate, minimising any adverse reaction from surrounding neighbouring residential properties.
122. With reference to the consultation response from Ashfield District Council and the representation reported at Paragraph 89i), out of school use of outdoor facilities would be likely to be at a scale less intensive than use as a Primary School. The floodlighting of pitches is not proposed and activity would be limited by hours of daylight. It is considered that noise impact on residential amenity would be safeguarded by the imposition of a condition to control maximum permissible noise levels arising from operational activities (Condition 27). A precautionary condition is recommended to control night-time noise (Condition 28).
123. The noise generated by the sprinkler tank pump has been considered by NCC Project Engineer (Noise), concluding that the short duration of weekly testing should not give rise to any notable noise impact at neighbouring properties and is considered to be acceptable. Whilst it is considered unlikely that fixed plant at the school will give rise to adverse noise impacts at neighbouring properties, a precautionary condition is recommended (Condition 29).

Sustainability

124. Sustainable features set out at Paragraph 34 of the report are appropriate and are considered to be acceptable.

Security & Lighting

125. The site would be secured by a combination of existing perimeter fencing and additional fencing on the frontage to Westbourne View following demolition of the Key Stage 1 building. However, the use of galvanised palisade entrance gates and fencing adjacent to the car park on Westbourne View would be unattractive in appearance and not visually appropriate in a prominent location at the school. It is considered that Heras-type fencing, typically used at schools throughout the County, would be acceptable. Notwithstanding submitted details, it is recommended that the design and appearance of security fencing is reserved by planning condition (Condition 15d)).
126. Proposed CCTV would provide suitable surveillance of the building and would not intrude on the privacy of neighbouring residents. The submitted lux plot demonstrates that proposed lighting will not give rise to significant impacts

outside the site and is considered to be acceptable. A condition is recommended to ensure that installed lighting will not cause unacceptable glare in compliance with Institute of Lighting Professionals *Guidance for the Reduction of Obtrusive Light – Table 2 - Zone E2* (Condition 16).

Ecology

127. The proposed development would not give rise to significant ecological impacts. Conditions are recommended to control vegetation clearance during bird nesting season (Condition 4), the provision of bird nesting opportunities and bat boxes in the development (Condition 17), and the submission of details of replacement tree planting (Condition 18). It is recommended that Category B trees to be felled are replaced by Extra-Heavy Standard trees, with Category C trees replaced by Heavy-Standard trees (Note 4). Whilst a retained pond could benefit from being enlarged, it is not considered necessary in order to make the development acceptable.
128. The consultation response from NCC Ecology recommends that a condition is imposed to require hanging tiles to be removed by hand from buildings to be demolished. The method is stated in Paragraph 5.2.3 of the Bat Survey Report submitted in support of the application, and recommended Condition 3 requires development to be carried out in accordance with the submitted documents and recommendations of reports. An informative is recommended drawing attention to this specific matter (Note 1).

Site Drainage

129. NPPF Paragraph 103 advises that when determining planning applications, it should be ensured that flood risk is not increased elsewhere. The submitted surface water drainage strategy is acceptable in principle and a condition is recommended to require the submission of a scheme of surface water drainage based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development (Condition 13).
130. With reference to the representation reported at Paragraph 89 I), the sprinkler tank compound would be positively drained and would be adequate other than in the unlikely event of a failure of the tank.

Construction

131. Plans illustrating how phased development would be carried out whilst keeping the school operational are acceptable in principle, although further detail will be required through the submission of an Environment Management Plan. There is the potential that stacked site cabins and the location of windows in the temporary buildings could impact on neighbouring privacy and amenity. Use of the access between the Nursery and Sure Start Centre and the rear of properties on Westbourne Road, for construction and subsequently temporary access to the operational new school before the new vehicular access is provided, may give rise to loss of privacy to adjoining properties.
132. Furthermore, during the Key Stage 1 demolition works and prior to the new access and re-modelled car park on Westbourne View being provided, reduced

staff car parking would be available. The submission of additional information to clarify the programme of construction is the subject of recommended Condition 9.

133. Restrictions on the timing of deliveries to site, permissible hours of construction, and noise generated by construction activities are the subject of recommended Condition 8.

Other Options Considered

134. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

135. 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

136. The new school would bring benefits to all users, both staff and pupils, through the provision of a new school building which has been designed to meet modern educational needs.

Equalities Implications

137. Changes in level do not permit disability access within the site between the staff car park accessed from St Mary's Road and the remainder of the school site. However, suitable disability access would be provided via the pedestrian access from St Mary's Road and the staff and visitor car park accessed from Westbourne View. A lift within the building would provide disability access to the first floor.

Crime and Disorder Implications

138. The school site would be secured through existing and additional security fencing and the building would benefit from CCTV.

Human Rights Implications

139. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the re-distribution of activities on the site. The proposals have the potential to introduce impacts such as noise and disturbance and potential loss of amenity

to neighbouring occupiers. However, these potential impacts need to be balanced against the wider benefits the proposals would provide through the provision of a replacement school to deliver the current educational curriculum. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Safeguarding of Children Implications

140. The proposed development includes the retention of existing security measures, the provision of additional fencing to adequately safeguard children at the school, and the provision of CCTV on the new school building.

Implications for Sustainability and the Environment

141. These are set out and considered at Paragraphs 34 and 124 of the report.
142. There are no Financial or Human Resource implications.

Statement of Positive and Proactive Engagement

143. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts on the privacy and amenity of neighbouring properties and provision of adequate operational car parking, which have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

144. 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 3. 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 & Licensing Committee is the appropriate body to consider the content of this report.

[SLB 18.05.2015]

Comments of the Service Director - Finance

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

[SES18.05.2015]

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Sutton-in-Ashfield Central

Councillor David Kirkham

Report Author/Case Officer

David Marsh

0115 9932574

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

CCD/4053 – FR3/3215

18 May 2015

W001411.doc



Policy statement – planning for schools development

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

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

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

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

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

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

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

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

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

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PRIORITY SCHOOLS BUILDING PROGRAMME

The Priority Schools Building Programme (PSBP) was launched by the Coalition government following the abolition of the previous government's Building Schools for the Future Programme. It focusses on replacing the country's worst school buildings and bids were invited from Local Authorities and Academy Trusts in October 2011. The County Council submitted strong bids and were the most successful authority with 12 schools and academies to be replaced. Separate bids made by the South Nottinghamshire Academy and Serlby Park Academy (where NCC remains the freeholder) were also successful.

PSBP is being delivered by the capital arm of the DfE's agency The Education Funding Agency (EFA), and the County Council are working closely with the EFA and their design team to support NCC schools and ensure that all the projects progress smoothly with the least disruption possible. The projects have been split into 3 batches.

Midlands 2	East Midlands 2	Nottinghamshire
Fountaindale Special School	Brierley Forest Primary	Abbey Primary
	John Davies Primary	Annie Holgate Infant & Junior (new single Primary)
	Leamington Primary Academy	Flying High Academy at Ladybrook
	Lynncroft Primary	The Newark Academy
	Sunnyside Primary	The Wainwright Primary Academy
	South Nottinghamshire Academy	Serlby Park Academy

The project to replace Fountaindale Special School started on site in October last year and the new building will complete this October. [Comment: the completed development has been handed over to NCC].

The other two batches are running concurrently. The Newark Academy is the sample school for the Nottinghamshire batch and has recently been granted planning permission. The EFA has selected two contractors from their Framework for each batch, Kier for the Nottinghamshire batch, and Bowmer & Kirkland for the East Midlands 2 batch.



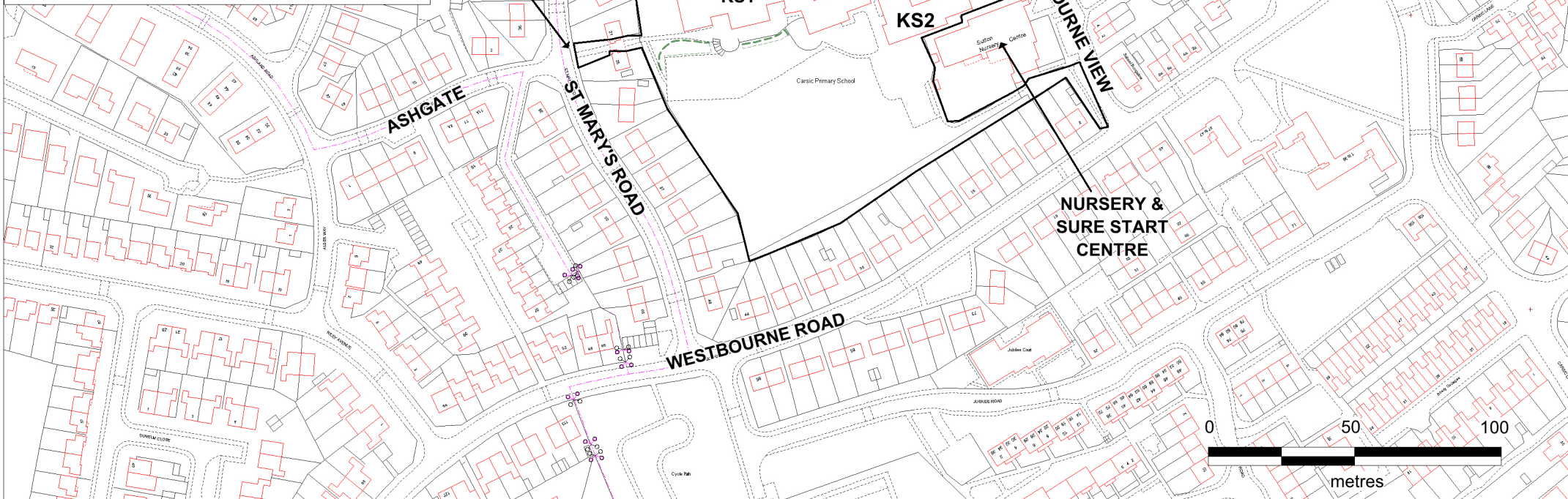
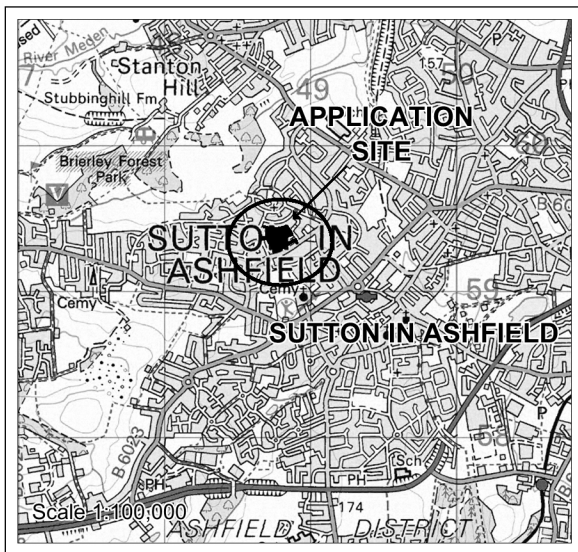
**Nottinghamshire
County Council**

4/V/2015/0041/1
Page 75 of 290

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Scale 1:5,000
Produced by: JW
Date: JUNE 2015



**Nottinghamshire
County Council**

Erection of 420 place 2-form entry, two-storey replacement primary school (Class D1), replacement playing fields, areas of outdoor hard and soft play, and associated landscaping. New service access road and replacement parking provision. Sprinkler tank and pump housing. Cycle parking, external lighting and CCTV. 2.0m high fencing. Demolition and reinstatement of the site of existing school buildings and retention of existing sports hall. Reinstatement of sports hall elevations following demolition of existing buildings.

Brierley Forest Primary School, Westbourne View, Sutton in Ashfield, Nottinghamshire.

Planning Application No. 4/V/2015/0041

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

PLAN 1



P5: Review for Planning Submission	Mile	NM	12.01.15
P4: Planning Submission	Mile	NM	12.12.14
P3: ITT Submission	PO	NM	11.07.14
P2: CEM 2	PO	NM	25.06.14
P1: First issue	PO	NM	04.06.14

revision/description drawn checked date

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Brierley Forest Primary & Nursery School

Bowmer & Kirkland (East Midlands)

Existing Site Plan

bbe project ref	scale	purpose of issue
14 083	1:500 @ A1	PREL I/IN/ARY
drawing/document no.		status
revised	revisory	zone
level	area	note
number	date	rev



**Nottinghamshire
County Council**

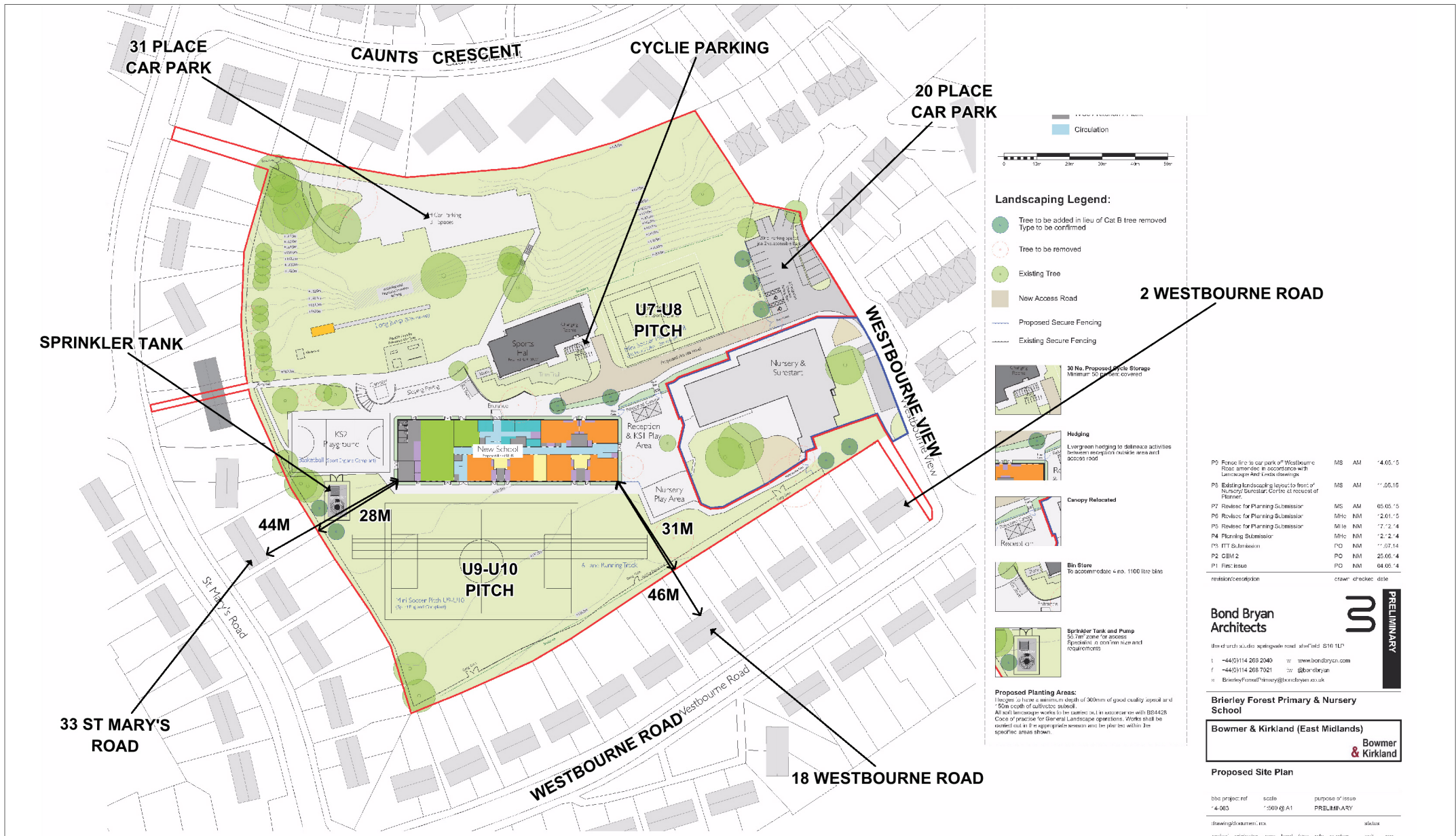
Erection of 420 place 2-form entry, two-storey replacement primary school (Class D1), replacement playing fields, areas of outdoor hard and soft play, and associated landscaping. New service access road and replacement parking provision. Sprinkler tank and pump housing. Cycle parking, external lighting and CCTV. 2.0m high fencing. Demolition and reinstatement of the site of existing school buildings and retention of existing sports hall. Reinstatement of sports hall elevations following demolition of existing buildings.
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Not to Scale
Produced by: JW
Date: JUNE 2015

PLAN 2

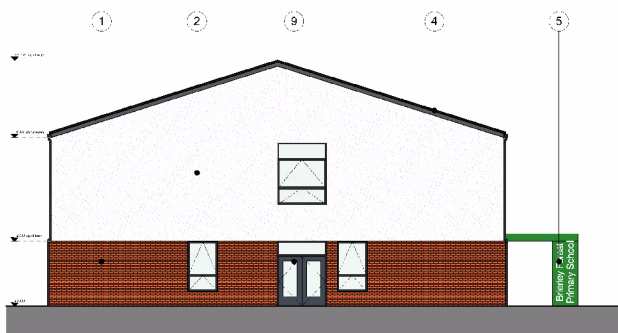




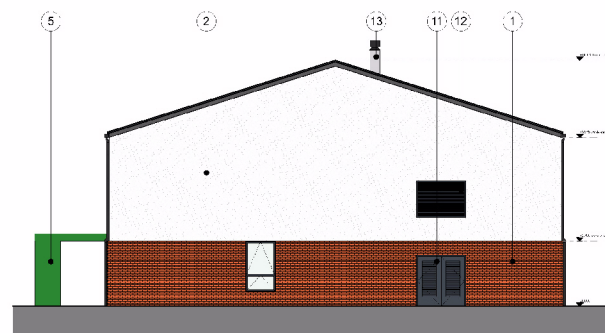
South Elevation



North Elevation



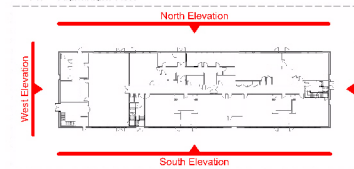
East Elevation



West Elevation

Elevation Material Legends:

1. Facing Brickwork
2. Rendered Panel 1
3. Rendered Panel 2
4. Grey Concrete Roof Tiles
5. Entrance Porch
6. Double Glazed PPC Windows
7. Spandrel Panel
8. Ventilation Louvre with PPC Aluminium Frame
9. Double Glazed PPC Doors
10. Insulated Steel Floorset with PPC Aluminium Frame
11. Fully Louvered Door
12. Louvered Panel
13. Kitchen Flue
14. Aluminium RWP



P6	Revise: Planning Submission/	CC	AM	25.02.15
P5	Contractors Proposals	Mile	NM	30.01.15
P4	Revise: Planning Submission	Mile	NM	12.12.14
P3	Planning Submission	PO	NM	11.07.14
P2	ITT Submission	PO	NM	02.01.14
P1	First Issue	PO	NM	24.06.14

revision/description drawn checked date

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Brierley Forest Primary & Nursery School

Bowmer & Kirkland (East Midlands)

Proposed Elevations

bbe project ref	scale	purpose of issue
14 083	1:100 @A1	PRELIMINARY
drawing/document no.	status	
revised	revised	revised



RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

- (a) Location Plan (Drawing BFS-BBA-Z0-ZZ-DR-A-01006 D5 Rev P2) received by the CPA on 15 January 2015;
- (b) Proposed Site Plan (Drawing BFS-BBA-Z0-ZZ-DR-A-01002 D5 Rev P9) received by the CPA on 14 May 2015;
- (c) Landscape General Arrangement Plan (Drawing 492-0001 rev K) received by the CPA on 14 May 2015;
- (d) Site Sections (Drawing 492-0004B) received by the CPA on 9 March 2015;
- (e) Access and Circulation Strategy (Drawing 492-0003 Rev B) received by the CPA on 28 April 2015;
- (f) Fencing Plan (Drawing 492-0002 rev F) received by the CPA on 14 May 2015, subject to Condition 15b);
- (g) Tree Constraints Plan – for the purpose of tree identification only - (Drawing TCP/01) received by the CPA on 15 January 2015;
- (h) Ground Floor Plan (Drawing BFS-BBA-Z1-GF-DR-A-02001 D5 Rev P9) received by the CPA on 9 March 2015;

- (i) First Floor Plan (Drawing BFS-BBA-Z1-01-DR-A-02002 D5 Rev P9) received by the CPA on 9 March 2015;
- (j) Roof Plan (Drawing BFS-BBA-Z1-GF-DR-A-02003 D5 Rev P4) received by the CPA on 9 March 2015;
- (k) Proposed Elevations (Drawing BFS-BBA-Z1-ZZ-DR-A-03001 D5 Rev P6) received by the CPA on 9 March 2015;
- (l) Proposed Building Sections (Drawing BFS-BBA-Z1-ZZ-DR-A-04001 D5 Rev P6) received by the CPA on 9 March 2015;
- (m) Retained Sports Hall Floor Plan and Elevations (Drawing BFS-BBA-Z0-ZZ-DR-A-02004 D5 Rev P2) received by the CPA on 15 January 2015;
- (n) CCTV shown on Ground Floor Security Layout (Drawing 297-E-400 Rev Ø) received by the CPA on 15 January 2015.
- (o) Lighting Lux Plot (Drawing 297-E-610) received by the CPA on 15 January 2015;
- (p) Paralume and Kaos Lighting detail received by the CPA on 15 January 2015.

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

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

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

5. No development shall commence until a highway condition survey of Westbourne View 80m to the north of the junction with Westbourne Road has been carried out, and the details have been submitted to the CPA for its written approval.

Reason: Details are required to be submitted prior to the commencement of development to provide a record baseline assessment of the condition of the highway in the interest of highway safety.

6. Prior to the commencement of development, the means of protection of trees to be retained during the period of construction (updating the Preliminary Tree

Protection Plan TPP/001 submitted as Appendix E of the Arboricultural Report supporting the application), shall be submitted to and approved by the CPA in writing. The approved scheme shall be completed as part of site enabling works, and prior to the commencement of main site works, to the written satisfaction of the CPA.

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

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

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

8. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA;
- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;
 - b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
 - c) no construction deliveries to site shall take place on any school day between 08:15-09:15 hours and 14:45-15:45 hours;
 - d) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Mondays to Fridays and 07:30–13:00 hours on Saturdays;
 - e) noise generated by construction activities on the site shall not exceed 65dB ($L_{Aeq, 1hr}$) measured at a distance of 3.5m from the nearest façade of a property.

Reason: To safeguard the amenity of nearby residents and to minimise risk of pedestrian/cycle conflict with HGV/construction traffic when Brierley Forest Primary and Nursery School is in use.

9. Prior to the commencement of development, details of the method of working during the construction phase(s), in the form of an environmental management plan, to include:
- (a) lorry routing for construction traffic;

- (b) measures to prevent the deposit of debris on the public highway;
 - (c) the segregation of construction vehicle and pedestrian movements on site;
 - (d) measures for the control of noise (to comply with Condition 8e)), vibration and dust emissions (including mitigation measures in the event of a complaint);
 - (e) a scheme for the recycling/disposal of surplus soils and waste resulting from construction;
 - (f) safeguarding the privacy of occupiers of properties on Westbourne Road;
 - (g) the siting and height of temporary buildings within the site compound;
- and prior to the commencement of each phase of development;
- (h) proposals during the construction phase and demolition phases of development for:
 - i) vehicular access;
 - ii) the number of school staff parking spaces to be provided on-site;
 - iii) proposals for parking by school staff unable to park on the site;
 - iv) pedestrian access to the operational school site;
 - v) parking by contractors engaged in site construction

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

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

10. Prior to the commencement of development, an assessment of the quality of the existing grass playing field identified on attached Drawing 4/V/2015/0041/1 shall be submitted to and approved in writing by the CPA.

Reason: Details are required to be submitted prior to the commencement of development to provide an appropriate baseline assessment of playing pitch quality that would be impacted by the development.

11. Prior to the commencement of main site works, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. If during development, contamination not previously identified is found to be present, no further development shall be carried out, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

Reason: In the interest of visual amenity and to accord with Ashfield Local Plan Review Policy ST1 Development.

15. Prior to being installed, design details including height and appearance of the:

- (a) Sprinkler tank, pump house, and related enclosure;
- (b) Bin storage enclosure;
- (c) Covered cycle storage; and
- (d) New boundary security fencing and gates, including colour (notwithstanding the annotation on Drawing 492-0001 rev K and Drawing 492-0002 rev F);

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

Reason: In the interest of visual amenity.

16. Light fittings shall be installed in accordance with details submitted in support of the application and shielded so as not to cause glare to neighbouring properties in accordance with Institute of Lighting Professionals *Guidance for the Reduction of Obtrusive Light – Table 2 - Zone E2*.

Reason: In the interest of the visual amenity of the development.

17. Within 3 months of the commencement of development, details including timescale of proposed:
 - a) provision for roosting bats; and
 - b) provision of bird nest boxes;

shall be submitted to and approved by the CPA in writing. Provision for roosting bats and nest boxes shall be made in accordance with the approved details.

Reason: To enhance the ecology of the site.

18. Within 6 months of the commencement of development a scheme, including a programme for the provision of landscaping to include
 - a) species, locations, planting size and planting density (including tree planting);

- b) seed mix specification;
- c) establishment methods (including tree pit detail); and
- d) schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats

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

Reason: In the interest of visual amenity.

19. Within 6 months of the commencement of development, design details of;

- a) replacement playing field construction (which shall be to a standard at least equivalent to the baseline assessment provided in compliance with Condition 10);
- b) construction specification for new hard play areas;
- c) drainage of new areas used for outdoor play; and
- d) a grid of replacement playing field levels and new areas of hard play;

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

Replacement playing field and new areas of hard play shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the CPA.

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

20. Car parking areas, service areas and associated turning and manoeuvring areas approved by this permission shall be provided in accordance with a timescale that shall be submitted to and approved in writing by the CPA. All service/car parking and associated circulation areas shall be constructed, drained through trapped gullies with an overall capacity compatible with the site being drained, surfaced and marked out to the satisfaction of the CPA.

Reason: To ensure the timely provision of adequate facilities for car parking, servicing, and related surfaced areas of the development.

21. Prior to demolition of each building on the site, a Pre-Demolition Asbestos Survey of the building to be demolished shall be submitted to and approved in writing by the CPA. Development shall not be carried out other than in accordance with the approved details. Within one month of the completion of demolition works (or each stage thereof) a validation report shall be submitted to the CPA to confirm that the demolition footprint does not contain Asbestos Containing Materials or other contaminated materials.

Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

22. No demolition of existing school buildings shall take place until a scheme indicating the method of demolition, the hours of operation, the method of removal and the length of time required for demolition has been submitted to and approved in writing by the CPA. Demolition shall then proceed in accordance with the agreed scheme.

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

23. Following the demolition of the existing school buildings and substantive restoration of the site, a highway condition survey of Westbourne View 80m to the north of the junction with Westbourne Road, and report setting out measures and a timescale for the reinstatement of the highway to the condition recorded in compliance with Condition 5 of this permission, shall be submitted to and approved in writing by the CPA. Highway reinstatement works shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory reinstatement of the highway in the interest of highway safety.

24. The Head Teacher of Brierley Forest Primary and Nursery 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 framework Brierley Forest Primary and Nursery School Travel Plan (received by the CPA on 15 January 2015) and within 3 months of the completion of development (the demolition of the existing school buildings and substantive restoration of the site) provide a completed Brierley Forest Primary and Nursery School Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school. The Brierley Forest Primary and Nursery School Travel Plan shall be implemented in accordance with the approved timetable and shall be updated consistent with future Brierley Forest Primary and Nursery School Travel Plan initiatives (to include education relating to sustainable travel; safe travel to school; demand for, and future provision of additional covered cycle spaces; safe student drop-off and pick-up; and considerate parent parking), including implementation dates, to the satisfaction of the CPA.

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

25. The Travel Plan Coordinator shall first submit a report to the CPA within 6 months following the completion of development (as defined in Condition 24), 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.

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

26. Within 6 months following the completion of development (as defined in Condition 24), a review of the school zone, signage and guardrail on Westbourne View and Westbourne Road shall be carried out, and a report which shall include any recommended modifications shall be submitted to the CPA. Recommendations for the modification of the school zone shall be implemented within 3 months of the date of submission of the report.

Reason: In the interest of highway safety.

27. Following the completion of the development, noise levels generated by the development or activities on site shall not exceed 55dB $L_{Aeq,1hr}$ between 18:00-23:00 hours on school days, and 07:00-23:00 hours on non-school days, 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.

28. Following the completion of the development, noise levels from any activity on the site between 23:00–07:00 hours shall not exceed the existing night-time background (L_{90}) noise level, 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.

29. Following the completion of the development, the combined fixed plant noise level shall not exceed the background noise level (L_{90}) at any time of the day/night at the nearest boundary of any residential receptor when assessed in accordance with BS4142:2014. In the event of a complaint, which the CPA considers may be justifiable, the applicant shall undertake a noise assessment in accordance with the procedure set out in BS4142:2014 to determine compliance with background noise level (L_{90}). In the event that the noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

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

Informatives/Notes to applicant

1. With reference to Condition 3, attention is drawn to Paragraph 5.2.3 of the Bat Survey Report supporting the application which recommends that hanging tiles are removed by hand during the demolition of existing buildings.
2. With reference to Condition 11, initial ground works should be carried out in accordance with a watching brief, with particular scrutiny given to asbestos containing materials within made ground surrounding existing structures and across the area of the proposed development.
3. With reference to Condition 15d), the approved Drawings state that steel fencing is to 'match existing'. The existing perimeter is formed of palisade fencing. New fencing and gates adjacent to the car park accessed from Westbourne View are to be formed of weldmesh construction.
4. With reference to Condition 18, it is advised that six Extra-Heavy Standard and three Heavy-Standard trees should be planted to replace the six Category B and three Category C trees to be removed. Wildlife-friendly native tree and shrub species should be planted.

5. National Grid (Gas) has identified low or medium pressure gas pipes and associated equipment on the site. The consultation response from National Grid (Gas) dated 21 January 2015 is enclosed.

2nd June 2015**Agenda Item:9****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/00614/CMA****PROPOSAL: ERECTION OF A STEEL FRAMED BUILDING FOR USE AS A
MATERIALS RECYCLING FACILITY (MRF)****LOCATION: TRENT SKIP HIRE LIMITED, QUARRY FARM TRANSFER STATION,
BOWBRIDGE LANE, NEW BALDERTON, NEWARK****APPLICANT: REGIONAL WASTE RECYCLING****Purpose of Report**

1. To consider a planning application for the development of a Materials Recycling Facility (MRF) with a maximum annual throughput of 60,000 tonnes of privately contracted commercial, industrial and municipal waste, at the former Trent Skip Hire Waste Transfer Station, Quarry Farm, south of Newark. The key issues relate to the routing of HGV traffic between the site and the strategic road network; impacts on the amenity of neighbouring properties; landscape and visual impact; and impacts on the setting of nearby listed buildings. The recommendation is to grant planning permission, subject to the satisfactory completion of a lorry routing agreement as part of a Section 106 agreement.

Introduction

2. Members will recall that this planning application was reported to the 24th March 2015 meeting of the Planning and Licensing Committee. After some discussion members resolved to defer their determination of the planning application in order to allow a member site visit to take place. Members were particularly keen to inspect the proposed route of access to the facility, particularly the character of the roads and suitability of the junctions. These matters were inspected by members during their site visit which was undertaken on the 20th May 2015.
3. The application is now returned to Committee for its determination, the original report remains the basis of officer advice and sets out the consultation responses received, including from the Highways Authority. In addition the comments of Hawton Parish Council which were reported orally at the meeting

on the 24th March are set out below which should be read alongside the main report, as appended.

Comments of Hawton Parish Council

4.

- i) The Parish Council realise the need to recycle waste, which is going to become a bigger and bigger problem;
- ii) The building would be huge in size (to process waste from outside the area);
- iii) There is a need for joined up thinking with regards to what development is already planned in this area;
- iv) The massive structure would be right next to 2600 new houses, and also the new industrial development;
- v) The largest HGVs already access via county lanes from A52;
- vi) The new link road connecting the A46 to the A1 is only to be single carriageway;
- vii) Concern about creating another bottleneck bypass;
- viii) The road system will be inadequate in a very short time.

5. In response to these points, it is noted that whilst a large building is proposed, it would be of similar height to the existing building on site (to be retained) and would be sited on an industrial estate featuring other similar buildings. The building has been subject to amendment to reduce its height and overall footprint to the minimum practicable for the planned operations.

6. Strategic planning for the area is set out in the Newark and Sherwood Development Plan Documents which makes an allocation for a Southern Urban Extension (SUE). Quarry Farm is somewhat overlooked within this strategy - it is identified for 'Green Infrastructure' in association with the SUE, however it does not feature in the developer's approved plans for the SUE and is in separate ownership. It will therefore continue to be separate to the built extension to Newark, but would benefit from improved access via the Southern Link Road. (SLR). Quarry Farm would lie south of the SLR corridor with the new houses north of the SLR- the nearest would be approximately 330m away. No adverse impacts on these have been identified (in particular noise impact).

7. Whilst the SLR would be single carriageway it is not considered to be a strategic link - its primary purpose is to enable access to the proposed housing and new business park. Quarry Farm would benefit from this improved access and capacity, starting in Phase one with improved access to the A1.

8. The recommendation is to support a grant of planning permission subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act to direct traffic to the most suitable route whilst the SLR is pending. This would avoid adding traffic to the C3 route to the A52 or to Bowbridge Road. Traffic would be directed along Staple Lane to Balderton. No capacity constraints have been identified along Bowbridge Lane or Staple Lane.

Other Options Considered

9. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

10. 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. All implications remain as set out in the original report.

RECOMMENDATIONS

11. 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 secure an acceptable lorry routeing agreement whereby, with the exception of local collections/deliveries within the Newark built up area, HGVs (over 7.5 tonnes) shall in the first instance:
 - a) Route via Bowbridge Lane and Staple Lane, turning right out of Staple Lane onto London Road and vice versa.
 - b) On completion and opening of phase 1 of the Southern Link Road (SLR), route northwards via Bowbridge Lane to the new roundabout on the SLR and exit eastwards onto the SLR to its terminus at Balderton and vice versa.
 - c) The agreement shall cease to be effective on completion and opening of the SLR to its junction with the A46.
12. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement within three months of the date of this report, the 2nd September 2015, or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant

planning permission for the above development subject to the conditions set out in Appendix 1 of the appended original report. In the event that the legal agreement is not signed by the 2nd September 2015, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

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

SLB 12/05/2015

Comments of the Service Director - Finance (SES 15/05/15)

The financial implications are set out in the report.

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Farndon and Muskham - Councillor Mrs Sue Saddington.
Balderton - Councillor Keith Walker
Newark East - Councillor Stuart Wallace
Newark West -Councillor Tony Roberts

Report Author/Case Officer

Joel Marshall

0115 9932578

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

24th March 2015**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/00614/CMA****PROPOSAL: ERECTION OF A STEEL FRAMED BUILDING FOR USE AS A
MATERIALS RECYCLING FACILITY****LOCATION: TRENT SKIP HIRE LIMITED, QUARRY FARM TRANSFER STATION,
BOWBRIDGE LANE, NEW BALDERTON, NEWARK****APPLICANT: REGIONAL WASTE RECYCLING****Purpose of Report**

1. To consider a planning application for the development of a Materials Recycling Facility (MRF) with a maximum annual throughput of 60,000 tonnes of privately contracted commercial, industrial and municipal waste, at the former Trent Skip Hire Waste Transfer Station, Quarry Farm, south of Newark. The key issues relate to the routing of HGV traffic between the site and the strategic road network; impacts on the amenity of neighbouring properties; landscape and visual impact; and impacts on the setting of nearby listed buildings. The recommendation is to grant planning permission, subject to the satisfactory completion of a lorry routing agreement as part of a Section 106 agreement.
2. During the course of the application the proposals have been reduced in scale from a maximum waste throughput of 100,000 tonnes per annum (tpa) to 60,000 tpa, with consequent reductions in HGV movements as detailed later in the report. The proposed building has also been reduced in size both in terms of height and footprint.
3. The application has been accompanied by various supporting assessments dealing with issues of noise, dust, flood risk, ground contamination and ecology. Transport impact is dealt with in a transport statement, whilst landscape and heritage impacts have been addressed in a photographic and photomontage based report. Where relevant, such reports have been updated to reflect the reduced scale of the revised proposals and to address material concerns raised.

The Site and Surroundings

4. The Quarry Farm site is a collection of mixed industrial and business premises surrounded by open countryside to the south of Newark, off Bowbridge Lane. (See plan 1) It lies 1km to the south of the current built up area of Newark (Grange Road and Hawton Road) and 3km from the town centre itself. The built up area of Balderton is some 1.2km to the east, whilst the small village of Hawton is just under 1km to the west. The surrounding countryside is a mixture of arable fields, small paddocks and former quarry land. There are a number of large industrial sites in proximity, notably the Jericho works (Saint Gobain/BPB) to the east on Staple Lane and the Flowserve factory to the north-east.
5. A large tract of land on the southern side of Newark is allocated for and has outline planning permission for, a Sustainable Urban Extension (SUE) including provision of a Southern Link Road to link the A46 at Farndon with the A1 at Balderton. (See plan 2) This project is locally known as the Newark Growth Point, but has yet to commence.
6. The approach from Newark is via Bowbridge Road which continues south as Bowbridge Lane, passed its junction with Hawton Lane. As the road approaches Quarry Farm it passes a terrace of former works cottages (Lowfield Cottages) and an electricity substation just before its junction with the Quarry Farm access road. At this junction Bowbridge Lane bends sharply to the south-east over Middle Beck, before continuing towards a former railway bridge, crossing what is now a Sustrans cycle route. The access road meanwhile turns off to the west at this junction.
7. The approach to the site from Balderton is via Staple Lane, from its junction with London Road, then Bowbridge Lane back towards the Jericho works and over the former railway bridge.
8. Grange Lane (forming part of the C3) meanwhile runs from the south to meet Staple Lane and Bowbridge Lane. This route passes through the villages of Kilvington and Alverton before eventually reaching the A52. It is subject to an Environmental Weight Restriction for HGVs, the extent of which is to be extended imminently by the County Council to include both Staple Lane and Bowbridge Lane past Quarry Farm. This matter is further considered in detail within the report.
9. The location of the site along with the possible vehicular routes and the aforementioned extension to the weight restriction is shown on the appended plan 1.
10. Access into Quarry Farm itself is via a privately owned and maintained road, joining Bowbridge Lane at its bend over Middle Beck. About 350m of this access road is metalled, with a number of speed humps before it becomes an unmade track serving various plots. The Middle Beck follows alongside the access road before the road turns to the south.
11. The estate has its origins in connection with historical gypsum workings, the remnants of which remain along with large areas of restored land. The most notable reminder of the old Hawton Gypsum works is the Grade II listed derelict

remains of the former grinding mill located 340m to the east. A significant area of surrounding land once formed the quarry and was subsequently back-filled and semi- restored to rough grassland. Part of this is also designated as a Local Wildlife Site (Hawton Works Grassland LWS). These features are shown on plan 3.

12. Present on the estate are a mixture of businesses employed in such trades as vehicle repairs, aggregates, surfacing/asphalt, skip hire, and ready mix concrete. There is also a STOR (Short Term Operating Reserve) electricity generating station. These are shown on plan 4.
13. In and around the site are several residential properties: 'Wigeon Flights', situated behind a screen of Leylandii trees in the north-west corner; 'The Spinney' situated adjacent to the access road on the eastern side and 'Quarry Farm House', situated within the estate and immediately south of the application site. Several mobile homes are also situated around Quarry Farm House.
14. In terms of the immediate neighbouring uses, an asphalt depot and a trailer repair company bound the site to the east, the latter of which has a portal frame building. To the south there are several small workshops and yards but also Quarry Farm House and several mobile homes within close proximity. The open land to the west of the site is used as a paddock and is in the control of the applicant.
15. The application site is located centrally within the Quarry Farm estate and is operating as a private waste transfer station and formerly had an attached skip hire business under the banner of 'Trent Skip Hire'. As shown on plan 5, it is an L-shaped fenced compound on level ground of approximately 0.9ha, comprising of an external hard surfaced storage yard and an open fronted portal frame building sited in its south-east corner. Also on site are a weighbridge and three portable site cabins. The entrance is on the northern side, through a steel palisade gateway. The various boundaries are similarly fenced by steel palisade fencing.
16. The existing portal framed building measures some 24.5m in depth by 42m in length in two bays and with an open front facing west into the yard. It is 10m in height to its eaves and 14m to the ridge. It is clad in grey sheet cladding.
17. The external surfaced yard covers less than half of the site area, with the western side being unsurfaced and formerly used for inert waste processing and stockpiling. A bund of inert waste and soils exists along the western side.

Planning history and background

18. The site has a lengthy planning history as a waste processing site and has operated under various guises and ownerships in that time. The key planning records of note are as follows:
19. In 1991 planning permission was granted for the change of use of a redundant farm building for the storage of mini-skips and operation of an associated Waste Transfer Station.

20. Planning permission was refused in 1994 for a proposal to store, sort and transfer waste including processing of rubble and short term, small scale landfill. Permission was refused on three grounds: due to it being outside the built up area and introducing employment development into the open countryside and due to adverse amenity impacts by reason of noise, dust and increased vehicular movements.
21. In 2002 permission was granted to replace a former building with the existing steel framed building along with new hard surfacing in association with the transfer activities. This permission also allowed the external storage of waste fridges.
22. In 2005 permission was granted for a new County Council Household Waste Recycling Centre on adjacent open land to the west. A condition of this permission was the delivery of a new road junction at the access onto Bowbridge Lane, along with improvements and a maintenance agreement to the private access road. This project was not taken forward.
23. In 2006 planning permission was granted (3/05/01464/CMW) for an extension to the portal framed building, the erection of a two storey welfare building, an electricity substation, floodlighting, an additional weighbridge, and to operate the site as a Materials Recycling Facility. The facility would have had a maximum permitted throughput of 75,000 tpa. The permission was not implemented and has now lapsed.
24. In 2012 permission was granted (3/11/01566/CMA) for the reorganisation of the site and to increase the waste throughput from 10,000 tpa to 15,000 tpa. This is the current permission for the site and which was until recently operated by Trent Skip Hire.
25. The site has now been taken on by the present applicants, who have wound down and closed the Trent Skip Hire business. A legacy of waste stockpiles were cleared over the summer of 2014 including a large stockpiles of inert waste outside, but retaining the bund along the western boundary. The current planning application has been submitted whilst this clearance was undertaken.
26. Members may wish to note that the site was re-opened in December 2014 by a new tenant Recoverable Energy Solutions. The reopening of the site has resulted in complaints being directed to the Council which allege various breaches of planning control and adverse impacts, including out of hours operation, noise, odour and breaches of the approved site layout. These matters are the subject of ongoing investigations by both the County Council and the Environment Agency. Officers have raised these issues with the site operator and the applicant. Some progress has been made to resolve the breaches of planning control, however, the site continues to operate in breach of the permitted hours and enforcement action is now being prepared. The remaining breaches of planning control remain under investigation.

Proposed Development

27. The application seeks to develop and expand this waste transfer station into a modern enclosed Materials Recycling Facility (MRF) to mechanically sort through mixed commercial and industrial waste which would be sourced from contracts won within 'the Nottinghamshire area'. This would be a road-served facility whereby unsorted waste materials would be transported to the site via HGVs of various sizes, sorted by the facility into recyclates and non-recyclates and then exported by bulker-type HGVs to reprocessors and disposal facilities.
28. The MRF would have an initial waste throughput of 30,000 tonnes per annum (tpa) rising to an eventual maximum 60,000 tonnes per annum, equating to around 192 tonnes per day. The now closed skip hire business previously had a maximum throughput of 15,000 tpa. The application states that the types of waste to be accepted would be of the same composition as those handled within the transfer station, namely dry mixed recyclables such as paper, card, plastics and metals, and inert wastes such as concrete, bricks and soils although the list of such materials would be controlled by an Environmental Permit.
29. The main aspect of the proposed development would be the erection of a new steel-framed MRF building on the western part of the site to house a variety of 'state of the art' mechanised sorting and separating equipment. This set-up would allow waste processing to be undertaken quickly, safely and more efficiently to maximise the recycling fraction of waste.
30. The new MRF building would be a long rectangular steel framed hall, measuring some 94m long on its western and eastern sides by 30m on its northern and southern sides, thereby providing an internal floorspace of some 2820sqm. This would be a pitched roof building, with a height to the eaves of 8m and a maximum height to the ridge at 12m. The building would be clad in insulated profiled metal sheeting finished in a neutral grey colour. (See plan 7) Along the roof would be two rows of louvered rooflights. Access for vehicles delivering or accepting waste would be via two roller shutter doors on the eastern side. Separate pedestrian doors would also be provided.
31. In order to accommodate the size of the building it is proposed that the current western boundary be extended out into the adjacent paddock by between 8 and 20 metres. A 1.5 metre high landscape bund with native woodland tree and shrub planting would then be formed along the new western boundary between the perimeter fence and the building. (See plans 6 and 8)
32. The external areas would be completed in concrete to provide an impermeable surface and the MRF would have a new drainage system to deal with surface and foul drainage which would include a buried tank to harvest clean rainwater for use in wheel washing and as a means of suppressing dust. A soakaway system would also be used for excess clean surface water. Foul water would be collected and removed by tanker.
33. A 1MW containerised generator to power the site would be sited externally in a central position within the site.

34. Also included in the development are two acoustic fences on the northern and southern site boundaries. The northern fence would be some 2.5m high, whilst the southern fence would be 3m high.
35. Parking spaces for 19 cars, plus 2 disabled spaces, 5 motorcycle spaces and cycle racks would be provided against the southern boundary and eastern boundary near to the weighbridge.
36. The existing portal frame building on the eastern side would remain to be used for the storage of sorted baled materials prior to export. The weighbridge and portable offices would also be retained, with the office cabins relocated against the eastern boundary.
37. It is proposed that the MRF would operate from 07.00 to 18.00 hours Monday to Friday and 07.00 to 16.00 hours on Saturdays. The facility would be closed on Sundays and Bank Holidays.
38. It is stated that the new operation would generate 15 new jobs together with three existing positions.
39. In terms of the vehicular trips which would arise, the applicant sets out two possible scenarios. Under the first scenario whereby waste in and out is by using 22 tonne HGVs only this would generate a total of **9** HGVs in and **9** out per working day (18 two-way movements). Under the second mixed fleet scenario up to **33** waste carrying vehicles would enter and leave the site each working day (66 two-way movements). Not all of these would be HGVs. All exported waste would be by using 22 tonne bulker HGVs. The full details are set out in the reproduced table on page 23.
40. With the exception of any local waste collections from in and around Newark, it is now proposed that all such waste carrying vehicles would be routed to and from Quarry Farm via Bowbridge Lane and Staple Lane to Balderton and the A1. Full consideration to such routeing and its wider implications are further set out in the report.
41. During the course of the application the scale and throughput of the proposed MRF has been reduced by some 40%. Originally the facility was proposed to have an annual throughput of up to 100,000 tonnes per annum which would have generated some 112 two-way movements of mixed vehicles or 60 two-way HGV movements, depending on the fleet mix. The MRF building would have also been larger with an additional wing on the south side to form an L- shaped building. This wing has now been omitted to form what is now proposed to be a long rectangular building.

Consultations

42. **Newark & Sherwood District Council** – *raise no objection provided that Nottinghamshire County Council is satisfied that the proposed development complies with the relevant Development Plan policies.*
43. **Newark Town Council** – *Objection is raised on the following grounds:*

- i) *This development will result in an estimated 80 HGV vehicles per day entering and leaving the site; this volume of traffic cannot be accommodated on the surrounding minor road network,*
 - ii) *The Town Council also believes that the proximity of the site to Newark town centre will exacerbate the congestion already experienced in the town,*
 - iii) *The site is a poor location for dealing with waste from across Nottinghamshire located as it is on the edge of Lincolnshire. There are better locations for such sites which are closer to the source of the waste materials which it will deal with.*
44. **Balderton Parish Council** - No response received. Any comments will be reported orally.
45. **Hawton Parish Council** - No response received. Any comments will be reported orally.
46. **Alverton and Kilvington Parish Meeting – Objection raised.** *[Response to initial consultation].*

Alverton and Kilvington are villages along the C3 road, which has the benefit of an environmental weight restriction prohibiting its use by vehicles over 7.5 tonnes except for access within the area affected. It would be therefore illegal to simply use the C3 as a cut through to the A52.

The County Council propose to extend the C3 Order to include Bowbridge Lane. The Parish Meeting oppose this and has lodged an objection. If the change to the Order were to be made, HGV traffic from the application site would be allowed to use the C3 as a means of access to the A52.

At present the C3 carries quite a bit of HGV traffic to access local premises. It is an understatement to say that the C3 is not suitable for HGVs-there are numerous danger points along its length, poor visibility at its junction with the A52 and danger to property in Kilvington.

The site has poor linkages to the highway network, apart from the A1. The site is unsuitable for a development involving considerable numbers of HGV movements.

47. **NCC (Highways) Newark & Sherwood** -No objection.

Submitted details suggest that throughput will increase from 5,000 tpa to 60,000 tpa (a decrease of 40% on the initial submission).

In terms of traffic generation, this suggests an increase from say 3 HGV trips per day (2 way) to 36 trips (2 way), using typical 22 tonne lorries. An alternative scenario that considers a mixture of vehicle types suggests that HGV movements might increase to 48 trips (2 way) – HGVs being defined as goods vehicles with an operating weight exceeding 7.5 tonnes. Whilst these figures represent a significant proportional increase it is not considered to have a

significant impact on the safety and capacity of the local road network, providing a lorry routeing agreement is reached. In line with the National Planning Policy Framework, "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

A review of the Staple Lane/London Road junction and accident data has been undertaken. Recent improvements have been made to this junction to provide a cycleway and this has significantly improved junction visibility splays. Over the past 5 years there have been just two injury accidents recorded at this junction. One of these involved an HGV, but it was tackling the left turn manoeuvre into Staple Lane; rather than the perceived riskier movement of the right turn out of Staple Lane. The accident record here is not considered to be high or extraordinary.

Details of vehicle type/size have been satisfactorily provided to clarify vehicle tracking drawings.

A lorry routeing agreement via a section 106 Agreement has been tentatively offered and it is believed that this could overcome concerns regarding lorries travelling through Newark unnecessarily. This should be pursued, and include measures to avoid lorries travelling on the C3 (through Alverton, Kilvington etc.) in light of a recent County Council approval of a Traffic Regulation Order that would otherwise allow access via this route from this site.

The recently approved application for the land south of Newark (NSDC application 14/01978/OUTM), which includes the provision of the Southern Link Road (SLR), should help to address access issues to this site in a more comprehensive and satisfactory manner. Once the first phase of the SLR is constructed (from the A1 junction at Balderton to Bowbridge Lane- currently expected to occur over the next 2 years), access to the Quarry Farm site will be made via a new roundabout that joins the SLR with a realigned Bowbridge Lane. Quarry Farm will lie to the south of the SLR and it is intended, then, that the current route from the site towards Staple Lane/C3 Grange Lane will be stopped up. Consequently the site will have easier access to the major road network which should naturally attract drivers to the Highway Authority preferred routes.

The Bowbridge Lane improvements that are part of the approved 'Land South of Newark' proposals, once implemented, will also provide improved sustainable transport links to Quarry Farm.

It is concluded that, subject to a lorry routeing agreement there is no objection to this application.

48. **Environment Agency Midlands Region** – *Notes that there is an Environmental Permit in place on part of the existing site and that the applicant would need to apply to vary this permit to include the area, tonnages and activities in the scope of the proposed development.*

Part of the site is shown to be located within Flood Zone 3, however the proposed building would be located entirely in Flood Zone 2 and as such standing advice on flood mitigation can be applied. [Officers consider the

proposed building would be entirely within Flood Zone 1, although such flood zones are indicative].

49. NCC (Reclamation) –

The application is supported by a phase one desk study and a phase two site investigation report with a fully developed conceptual site model and potential impacts from contaminations have been identified.

The made ground has been identified as contaminated but suitable for the proposed development. The presence of asbestos (a single sample) within the made ground is of concern however the proposal for a watching brief during site works is considered most prudent.

The risk from ground gases was identified as a moderate risk to both end users and buildings however the report concludes that the concrete slab will be sufficient to address the gas risk.

The presence of electrical generators and the activity of drum and tank cleaning would give rise to additional potential contaminants.

External areas would be hard surfaced to contain potential contamination and all water runoff would be controlled, with wash down and foul water runoff from the waste handling area controlled through construction of a new sealed foul water drainage system with an oil interceptor.

Rainwater runoff from the roof would be collected for re-use on site. A stormwater soakaway is proposed and is subject to infiltration testing, the testing should include an assessment of the mobility of any contamination suspected within the surrounding soils. The site falls within Flood Zones 1 and 2.

Consideration of dust suppression measures, as might be adopted during the actual operation of the site should be considered.

50. NCC (Noise Engineer)

The proposal includes a steel framed building to enclose a range of fixed plant for the processing of waste. In addition it is proposed to locate a 1MW generator externally. It is understood that the existing building to the east will only be used for storage and that the applicant is seeking to increase throughput from around 5000 tonnes per annum to 60,000 tonnes per annum. There will be no external activities in the yard except the movement of vehicles.

A noise assessment in accordance with BS4142:1997 has been undertaken and has considered noise impact of the proposed operations during the hours of operation as applied for: Mon-Fri (07:00-19:00hrs) and Sat (07:00-16:00hrs). Surrounding receptors have been identified (three houses and four static caravans).

Due to the close proximity of residential properties it is assumed the MRF building will have a high performance insulated acoustic cladding with a Weighted Sound Reduction Index of $R_w=45\text{dB}$ for both the wall and roof

building elements to minimise the transmission of noise to the outside. The roof will have a total of 48 acoustically attenuated louvres used for ventilation. The roller shutter doors will be fast acting and remain closed at all times except for access/ egress of delivery vehicles. The doors will also be acoustically insulated to provide a sound reduction index of at least $R_w=25\text{dB}$ when closed.

[Additionally there would be a 3m high noise barrier to the southern boundary and a 2.5m high noise barrier along northern boundary.]

An analysis of the baseline noise monitoring used for Saturday operations indicates significantly higher background noise levels in the morning than in the afternoon. There is a very clear change in the noise climate from Saturday lunch time onwards which is likely to be because of neighbouring operations only working for half a day. Therefore Saturday afternoons could be considered to be a quiet period which offers some respite to nearby residential properties. The proposal is for the site to operate until 4pm on a Saturday is not supported. A finish time in line with other operations in the area would be acceptable and the baseline levels indicate that this would be around 12.30pm. Therefore Saturday operations should extend up until no later than 1pm and be subject to a planning condition.

Other conditions are recommended requiring the building to be fully insulated for noise, as well as the provision of noise barriers, and broadband reversing alarms on vehicles. Restrictions on external plant (with the exception of the generator) and a noise limit on the site as a whole are also recommended.

51. **Newark & Sherwood District Council (Environmental Health)** - *Notes that the findings of the revised noise assessment indicates a predicted increase in noise levels for an adjacent property- Wigeon Flights – but this would appear to have been dismissed as of no consequence by the applicant.*

The nearby sustainable urban extension is noted and any impacts from the proposed development should be assessed on these future properties.

52. **NCC (Planning Policy)**

As a material recycling facility (MRF), the proposed facility can be considered as a recycling operation whereby it seeks to maximise the amount of waste sent for recycling and minimise residual waste for disposal. It is therefore consistent with the waste hierarchy set out in national waste policy.

In terms of local policy, Policy WCS3 of the Waste Core Strategy (WCS) gives first priority to the development of new or extended waste recycling (and composting/anaerobic digestion) facilities. The WCS identifies that an additional 430,000 tonnes per annum of recycling/composting capacity is needed for commercial and industrial waste over the plan period in order to meet the aspirational target of 70% recycling by 2025. This proposal would aid in contributing to this capacity requirement. The principle of the development of this type of facility is therefore supported in local and national waste policy terms.

In terms of the acceptability of the development on the site, there are three important considerations; its size, location in relation to the built up area of Newark and the land use categorisation. Firstly, in terms of size, in referring to (Appendix 2) of the WCS, the proposed MRF can be classed as a 'medium' facility by its maximum capacity (60,000tpa) and on the boundary between 'small' and 'medium' by the application area (0.99ha). Therefore taking a reasoned view it is considered the facility can be considered as 'medium' sized. In terms of the broad locations set out in Policy WCS4, the site can be considered to lie 'close to the built up area of Newark', although it is recognised that this may not correspond with the district definition of the urban area.

Looking at these two considerations in relation to Policy WCS4, the proposal would in principle be considered acceptable at this location subject to the criteria provisions of Policy WCS7 below.

However, the third consideration, the categorisation of the land, is less clear cut and raises more of a debate. The site is located in an area dominated by open countryside, but includes in part and is adjacent to employment uses/land with planning permission for employment uses. The site lies within an area identified in the Newark and Sherwood Core Strategy as a strategic location for mixed use growth ('Land South of Newark', Policy NAP 2A), but in an area identified for green infrastructure. The site is not allocated for employment use in the adopted Site Allocations and Development Management Development Plan Document.

Therefore, although the majority of the site can be considered as being in existing employment use, there is some question as to whether there would be encroachment into the open countryside as a result of the development. As an existing employment site, WCS7 would support the development of a small, medium or large MRF facility. As open countryside however, it would only be considered appropriate for a small MRF facility (where this could meet relevant aspects of WCS4). Therefore, establishing the land categorisation of the site is critical in establishing the acceptability of the proposal in terms of WCS7.

Policy WCS8 supports the extension of existing waste management facilities where this would increase capacity or methods and/or reduce the environmental impact of the facility. As the proposed development will not only be increasing capacity, but also improving the management method (i.e. enabling greater sorting resulting in greater levels of recycling) this policy would provide support for the proposals.

Although it is stated that the vast majority of the waste to be managed at the proposed facility would originate in Nottinghamshire, the provisions of Policy WCS12 should still be considered. As this facility would make a significant contribution to the movement of waste up the waste hierarchy (the first of the criteria in the policy) it is considered that there is no objection to the proposed development in terms of this policy. This would still apply if it became apparent that more waste than stated would be coming from out of county.

Policy WCS13 requires demonstration that there would be no unacceptable impact on any element of environmental quality or the quality of life of those

living or working nearby, no unacceptable cumulative impact and also that the opportunities to enhance the local environment be maximised.

WCS15 requires 'high standards of design and landscaping, including sustainable construction measures.' Detailed policies on such considerations and other development management issues are provided in the saved policies of the Waste Local Plan (WLP).

Taking into account these national and local policy considerations, the proposal is considered to be supported in planning policy terms, subject to satisfaction that the site can be considered employment use and there would be no encroachment into the open countryside. This is also subject to the environmental and amenity impacts of the development being acceptable, in line with WCS13 and the saved policies of the WLP.

53. NCC (Built Heritage)

There are two listed buildings in proximity with largely open ground between the site at Quarry Farm and these buildings. Heritage impact including impact on their setting should be assessed against para 129 of the NPPF.

Hawton Gypsum Grinding Mill is a sole surviving example of the Hawton Gypsum works and is an exceptionally rare example of this building type. It is identified as a building at extreme risk on the County Council risk register and stands in extremely poor and collapsing condition. Whilst it now stands in isolation, its working context would have been as a component of other industrial structures.

The proposed development would be to the west and it is likely the existing industrial buildings would mostly screen any direct views of the proposed development. Considering the industrial context of this listed building the proposed development is unlikely to have anything other than a neutral impact on the setting of this listed building and it should not affect any future viability to restore the building.

All Saints Church, Hawton is Grade I listed (putting it with the most significant 5% of all listed buildings in the country.) and is recognised by Pevsner as 'one of the most exciting pieces of architecture in the country', with notable carvings and tracery giving it an unusually high status for its setting. Its pinnacle topped tower is highly visible from the surrounding countryside.

Only glimpsed views of Quarry Farm can be seen from the churchyard.

Between the application site and the Church there are two public right of ways running parallel to field boundaries. These offer fine views of the church seen in its historic context as a dominating feature in the surrounding landscape. The proposed development would impact on the way the building is experienced from these locations.

The new building would be more than double the size of the existing building and form a bulky linear feature on the view to the east. It would also encroach further towards the public right of way. Any increased noise, lighting and traffic

activity would further erode the way the listed building appears to the west within a largely rural setting.

The existing eastern setting of the church would not be preserved nor enhanced by this development.

This impact is assessed in the application variably as having a 'moderate visual impact' and 'limited harm'

Also of relevance is a recent appeal decision granting four wind turbines at a site approx. 1km to the south-east. The two developments would have cumulative erosion on the setting of the Church, though the impact of the turbines is likely to be the greater of the two.

Some landscape mitigation is proposed, mainly a planted bund on the western boundary of the site which would in time appear as a similar feature to the established hedgerows in the area. The immediate effectiveness of this mitigation will be dependent on the maturity of the newly planted trees and hedge sets.

Whilst this will undoubtedly have some positive impact in screening the development when viewed from the west it should be noted that English Heritage Guidance advises that over time such features can be removed or changed unless secured by legal agreements or other statutory protections.

The officer concludes that the proposed development would have a level of harm upon the setting of the Listed Building, albeit this is considered to amount to less than substantial harm, as there are no direct views from the Church. However, harm carries some weight which should be considered in line with Para 134 of the NPPF. This advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

It is recommended that careful consideration is given to conditioning the colour of the building's roof and cladding to minimise its impact in the surroundings.

The officer also strongly recommends that the minimum height and mass of the bund planting is controlled through condition to ensure effective screening in the short term and further that the long term management of the screening is secured through a legal agreement to ensure its permanence.

54. **English Heritage (EH)** - *Do not wish to comment in detail, but provide the following observations.*

EH have considered the supporting information including the landscape visualisations which reference the Grade I listed All Saints Church, Hawton and the Grade II former gypsum grinding mill. It is noted however, that there is limited assessment of potential impact on the historic environment.

Paras 128 and 129 of the NPPF require sufficient information to make such an informed assessment. Advice should also be sought from in house

conservation officers and the application should thereafter be determined in accordance with national and local policy guidance.

[Further heritage information and assessment has subsequently been provided and assessed by NCC Built Heritage.]

55. **NCC (Landscape)** - *The applicant has supplied photomontage information and carried out a brief visual impact appraisal in support of the application.*

*The information demonstrates that the main area of concern is the view from viewpoint 3, which is the public footpath to the west of the development site. Users of Public Rights of Way are considered to be of high sensitivity, and whilst the magnitude of impact is not considered in the report, the landscape officer considers the level of impact to be **moderate adverse**.*

The intention is that the planted bund to the west of the building will provide screening. As all plants are to be planted as transplants, it will take some considerable time for the trees within the mix to become tall enough to give any screening (10m growth will be needed). If the plant mix can be amended to include nurse species, and a greater mix of nursery stock to accelerate the screening effect, the mitigation would be considered acceptable in this context.

56. **NCC (Nature Conservation)**

The application has been accompanied by an up to date extended phase 1 habitat survey which indicates that the habitat to be affected by the proposals are of low nature conservation value; the western extension area is species-poor grassland, heavily horse-grazed (at the time of survey), and small in size.

The site is located near several Local Wildlife Sites, which have been taken into consideration; the closest of these is Hawton Works Grassland which is approximately 250m away to the south. No SSSIs are present in the vicinity. It is highly unlikely that this proposed development will have an impact on designated nature conservation sites.

No evidence of protected or notable species was found on the site; the buildings on the site were not considered to have any potential for supporting roosting bats and no badger setts were located. Limited potential habitat for reptiles was identified on site, although no surveys were carried out.

[An additional survey for the possible presence of Barn Owls has found no evidence of this species in the portal-frame building and on review of the revised plans, no further ecological impacts have been identified.]

Conditions are recommended to ensure that the paddock (on which part of the development is to be sited) is maintained in a way to continue make it unsuitable for reptiles. A condition also is required for the development to avoid the bird nesting season, unless otherwise approved and a further condition should require placing of bird and box boxes around the completed development.

It is further recommended that a condition is used to require the submission of details relating to the establishment and maintenance of the landscaping.

57. **Nottinghamshire Wildlife Trust** - *In principle the Trust supports the promotion of higher levels of recycling and agrees that a modernised facility should lead to a safer and more effective use of the site.*

The site as well as the adjacent grassland are of limited ecological value. The recommendations within the Habitat Survey are fully supported. The proposed landscape bund is supported. It should be ensured that any external lighting does not spill out of the development to the detriment of foraging bats.

The Owl Survey Report concludes that no barn owls (or other owl species) are present in the existing buildings and there are limited suitable nesting opportunities.

58. **Trent Valley Internal Drainage Board** – *Raises no objection subject to satisfaction that the proposed surface water soakaway would prove to be suitable in accordance with BRE Digest 365.*
59. **Severn Trent Water Limited** - *No objection, subject to inclusion of a standard condition requiring the submission of drainage plans for surface and foul water disposal.*
60. **Western Power Distribution** - have not responded. Any response received will be orally reported.
61. **National Grid (Gas)** - have not responded. Any response received will be orally reported.

Publicity

62. The application has been publicised by means of site notices, a press notice in the Newark Advertiser and neighbour notification letters sent to the nearest residential addresses and a selection of commercial addresses in accordance with the County Council's adopted Statement of Community Involvement.
63. On receipt of the revised package of plans setting out a revised scope and scale of the development, the public consultation period was reopened and further notification letters were sent out to the same addresses and interested parties. Further site notices were also displayed at and around the Quarry Farm estate.
64. Objections have been received from a neighbouring property (Quarry Farmhouse), raising the following concerns:
- a) Traffic and access
- (a) The access from Bowbridge Lane onto the private access road is hazardous and has a history of accidents. It involves a blind corner both ways.

- (b) The private access road is unsuitable for the volume of traffic [proposed] and vehicles will have to access the site via a single lane track [in part], causing inconvenience to existing homes and businesses. The road is already in a state of disrepair and it would need a major repair/alteration before it could withstand the additional traffic. A survey should be undertaken to confirm whether it could cope with the numbers of vehicles and safely.
- (c) Road safety risk from the 12 foot (3.7m) drop from the access road into the adjacent Middle Beck.
- (d) There are seven residential properties involving at least 30 people and children, cyclists and pedestrians who also use the road.

b) Noise

- (a) [Original comments]- The noise assessment predicted an unacceptable noise impact, but that this would be deemed acceptable due to the resident's business involvement with the proposed development. The resident has no such connection with the applicant or the application and further work is needed. The assessment also fails to assess the impact on other properties [Mobile homes] within 50m of the site.
- (b) Comment on revised plans- The volume of waste throughput has been reduced, but this will not resolve the unacceptable noise impact to nearby housing.

c) Odours

Possible dustbin type waste may be brought to the site which they are currently not allowed to do so. This would cause major smell, vermin, flies etc.

d) Dust

The site does not have an official water supply and has to rely on neighbours. There have been previous dust episodes in dry conditions.

e) Visual scale and layout

The sheer scale of the proposed building will have a significant visual impact on neighbouring property. [Original comments based on larger building].

Question was raised as to whether the site could accommodate the proposed building and/or whether there would be some encroachment into the countryside.

f) Unauthorised operations

The site has recently reopened and operating outside of its planning and licensing conditions, causing nuisance.

g) Question is raised about possible owls on site.

65. Councillors Mrs Sue Saddington, Stuart Wallace, Tony Roberts and Keith Walker have been notified of the application.
66. The issues raised by the objectors are considered in the Observations Section of this report.

Observations

Principle of the development

Waste hierarchy and need

67. As a recycling facility, this application falls to be determined against the policies in the Nottinghamshire and Nottingham Waste Core Strategy (WCS) and the saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP). In addition the local policies and land allocations within the Newark and Sherwood Local Development Framework are also relevant, particularly with regards to the strategic plans in place for the south of Newark. The National Planning Policy Framework (NPPF) and the new National Planning Policy for Waste (NPPW) (replacing PPS10) are material considerations.
68. At the heart of sustainable waste management policy within the NPPW and the WCS is the principle of the waste hierarchy, whereby waste should be driven up the hierarchy as much as possible so that recycling is maximised. As a materials recycling facility (MRF), the proposed facility would support this aim by sorting waste materials for maximum reuse and minimising residual waste requiring subsequent landfill or incineration. The MRF would employ modern, mechanised sorting systems which would be a step-change in the method of working at the site, which was labour intensive. It would also be a significantly larger scale of operation, over what was previously a local skip hire business and it is possible that it could deal with quantities of waste from further afield, although the applicant states that waste would be sourced from the 'Nottinghamshire area'.
69. With regards to the County's waste policies, the WCS seeks to achieve a headline target of recycling (or composting) 70% of all the County's waste by 2025, including commercial and industrial waste (C&I) which the proposed facility would accept. The WCS identifies that an additional 430,000 tpa capacity of such facilities is needed in order to meet the aspirational 70% target. Policy WCS3 takes the concept of the waste hierarchy to prioritise the development of new or extended waste recycling (and composting and anaerobic digestion plants) facilities. The proposed MRF would accept up to 60,000 tpa, thereby making a useful contribution to the quantity of such recycling facilities and according with the hierarchy within Policy WCS3. The need for such facilities within the County is therefore not in question and there is no requirement to demonstrate quantitative need.

Locational assessment

70. Consideration needs to be given to the general or broad locational policy criteria within Policy WCS4 of the WCS. This policy categorises waste facilities by their

size and directs a certain scale of facility to similar sized settlements. Appendix 2 of the WCS sets out the indicative measures to categorise waste facilities. The proposed MRF would be judged as a medium sized facility based on a maximum capacity of 60,000tpa, but based on its site area of 0.9 hectares would be at the boundary of medium and small scale. Taking a reasoned view therefore it is considered that the proposed development can be classed as a *medium sized* facility. Policy WCS4 therefore supports the location of such proposals in or close to the Newark built up area. This particular location can be considered close to the Newark urban area being some 1km from the current southern extent of the town and accessible from both Newark and Balderton.

71. It is next necessary to assess the acceptability of the actual site and whether the proposal would be acceptable in broad policy terms. Key to this process is categorising the site's existing land use. Policy WCS7 deals with general site criteria. Under this policy MRF facilities are supported (*subject to there being no unacceptable environmental impacts*) at employment land, such as industrial estates and derelict or other previously developed land.
72. On first assessment the site would appear to be in use as an existing waste transfer station, which would accord with Policy WCS7 although it is proposed to extend the site into the adjacent paddock. There is though some question as to whether the application site lies within the open countryside, either in full – due to a policy technicality– or in part – due to the actual enlargement of the site into the adjacent paddock. This matter requires assessment, as both waste policy within the WCS and Newark and Sherwood Core Strategy planning policy places various limits and tests for development in such situations, in particular Policy WCS7 would only permit small scale facilities on sites within the open countryside. District planning policy also places certain development restrictions. The assessment is complicated to a degree by the planned Sustainable Urban Extension to the south of Newark as set out in District planning policy, of which there are two Development Plan Documents (DPD) to note.
73. The Newark and Sherwood Core Strategy (CS DPD) focusses future residential and commercial growth within the Newark urban area and in doing so allocates three Sustainable Urban Extensions (SUE), including one to the south of the town. The 'Land to the south of Newark' SUE (under Policy NAP2A) is allocated for in the region of 3,100 dwellings and 50 ha of employment land, two local centres and landscape, ecological and sporting land. A Southern Link Road (SLR) is also included in the plans. Its Strategic Site boundary envelopes a large area to the south of Newark and includes Quarry Farm which is identified as within an area of land for 'Green Infrastructure' associated with the SUE. This Green Infrastructure is shown south of the proposed alignment of the SLR and south of the proposed new housing.
74. The Newark and Sherwood Allocations and Development Management Development Policies Development Plan Document (A&DM DPD) identifies further land allocations in and around Newark and provides further local planning policies. It also sets the urban boundaries and Map 2 of this document shows the Quarry Farm industrial area situated outside of the Newark Urban Area, the boundary of which has been drawn along the proposed route of the SLR, so to take into account the planned housing. On the basis of the District

Development Plans therefore, whilst Quarry Farm is within the SUE allocation in the Core Strategy (as part of the Green Infrastructure area), it is also outside of the urban boundary and therefore could be considered to be a site inset within the open countryside. The proposed development should therefore be considered against District Policy DM8 which seeks to limit development in the open countryside to small scale employment uses only (amongst other land uses). However it also confirms that:

Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test.

75. When considered against policy in the Waste Core Strategy, in particular Policy WCS7, it is apparent that the site is reasonably well contained within a long established industrial estate which is already characterised by the numerous steel-framed buildings, workshops, vehicle yards and aggregate plants. The open countryside surrounds the wider Quarry Farm estate. It is also the case that the proposal would sustain and expand this site's use, generating additional local employment opportunities as required by District Policy DM8. Whether the proposed MRF would represent a *proportionate expansion* as required by this policy is open to interpretation.
76. In terms of the site area, whilst the application site is an existing WTS, it is however proposed to extend the site into an adjacent paddock and realign the boundary fence. This western strip of land taken from the paddock, could be more confidently regarded as part of the open countryside and therefore this would represent a small encroachment into such.
77. The size of the encroachment can be approximately quantified as follows, the existing site, measures some 0.83ha in area and the proposed site area with the additional strip of land would take this to 0.99ha. This strip therefore equates to an addition of 19% of the total site area. Of this additional area, the majority (around 70%) would be used for the proposed landscape bund along this re-aligned western boundary. The current boundary line/fence which is in a stepped or dog-leg arrangement, would be realigned further west into a single continuous run. At its maximum, the new fence line would extend some 20m further west than the current boundary along its main stretch and some 8m further out than the shorter stepped or dog-leg part of the current boundary. The MRF building itself would extend 8m further west from the current boundary fence along its main length, but within the shorter stepped area of fencing. This expansion is illustrated on plan 6. Therefore notwithstanding this expansion, the vast majority of the site would be using the existing land formerly used by Trent Skip Hire and the additional strip would be primarily for the purposes of accommodating a replacement landscape bund to partially screen the MRF building.
78. Consideration should be given to a further policy - Policy WCS8 (Extensions to existing waste management facilities) as a redevelopment and extension of this existing waste management facility. The policy supports such extensions, or developments or improvements to waste facilities where this would increase

capacity or improve existing waste management methods and/or reduce existing environmental impacts.

79. The operations at the site would be increased from a current permitted throughput of 15,000 tpa as a WTS and skip hire business to 60,000 tpa an increase by a factor of four. The associated characteristics of this increase in scale of operation, such as additional employment positions, vehicular movements, etcetera would also be at a much greater level than is currently permitted for the existing WTS. Therefore whilst solely in terms of the physical expansion of the site – such an expansion of 19% could be regarded as a proportionate expansion, the increase in the overall scale of operation at this site would be at a level which may not fully accord with the aims of Policy DM8 in terms of being proportionate.
80. Furthermore though, the MRF would be a fully enclosed facility, equipped with mechanised sorting equipment, thereby enabling greater sorting results and levels of recycling that what would not previously have been achieved by hand work in the former use. As an enclosed facility (together with an impermeable yard area) it potentially would also reduce environmental issues formerly arising from the skip hire business. Such environmental impacts are separately considered below.
81. Within this analysis it is also worth noting the previous grant of planning permission in 2006 for an extension to the current building, and new offices so to develop the site as a MRF. This permission was not implemented and has lapsed, however it was accepted on the basis of a maximum annual throughput of some 75,000 tonnes of recyclable waste and subject to 32 conditions to control its operation.
82. On final analysis then, taking both District policy and waste policy together, whilst the site could be technically placed as in the open countryside, it is evidently an existing employment site and is previously developed land, (with the slight exception of a strip of adjacent paddock land) and which is capable of being redeveloped and returned to economic use. The expansion of the site in terms of the operations, would potentially not accord fully with Policy DM8 (which postdates the 2006 grant of planning permission) due to the increased scale of the facility, although this is tempered somewhat by the not insignificant generation of new jobs. Newark and Sherwood District Council have not raised any policy objection on this matter.
83. The expansion of the site into the adjacent paddock would also not fully accord with WCS Policy WCS7 although it should be noted that the provision of a landscape bund within this strip of land currently forming part of the paddock can be acceptable in principle and would help fix and define this western boundary, effectively preventing any further expansion into the paddock.
84. On balance therefore, it is considered that the site is a previously developed waste management site and that the proposed development would be supported by Policy WCS7 and WCS8 subject to its environmental acceptability. Partial non-compliance with District Policy DM8 has been identified.

Waste sources

85. Policy WCS 12 concerns the issue of non-local waste. Although the application states that the vast majority of the waste would be sourced from within Nottinghamshire, it is entirely possible that waste could be sourced in part from elsewhere. WCS12 permits the development of facilities which would likely dispose of non-local waste (outside of Nottinghamshire) where they can demonstrate that:
- the envisaged facility would make a significant contribution to the movement of waste up the waste hierarchy, or
 - that there are no facilities or potential sites in more sustainable locations in relation to the anticipated source of the waste stream, or
 - that there would be wider social, economic or environmental sustainability benefits arising.
86. It is considered that the redevelopment from a small scale WTS and skip hire business to a medium sized, modern MRF would significantly increase recycling and reduce residual disposal. The plans therefore comply with WCS12 on the first ground alone and no consideration is required of the further two criteria.

Principle policy - conclusions

87. When taken and read as a whole, the policies within the WCS do support what is a medium sized recycling facility, located on appropriate previously developed land, which is predominantly in use as a waste transfer station. The proposed MRF, could therefore be supported in principle as a new stand alone development or as an extension to the existing WTS.
88. The proposed MRF would be of a much greater scale in terms of its throughput and vehicular movements for example and it is therefore necessary to assess the individual environmental impacts which may arise. Policy WCS13 of the WCS requires proposals to demonstrate there would be:
- no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.*
89. The saved environmental policies in the WLP are also relevant to assessing each applicable environmental issue or impact, which are assessed in turn.

Traffic, Access/routeing and Parking

90. Two main transport aspects need to be considered; the accessibility of the site for the envisaged members of staff; and the routeing of HGVs serving the MRF

coupled with the suitability of those routes for the type and level of traffic which could result from the proposed development.

91. Saved Waste Local Plan Policy W3.14 states that planning permission will not be granted where the vehicle movements likely to be generated cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities. Policy W3.15 empowers the Authority to restrict HGVs to certain routes.
92. The National Planning Policy Framework requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are “severe”.
93. Newark and Sherwood Spatial Policy 7 states that development proposals should amongst other criteria:
 - *minimise the need for travel and maximise opportunities for use of cycleways, footpaths...*
 - *be appropriate for the highway network in terms of the volume and nature of traffic generated,*
 - *provide appropriate and effective parking provision and vehicular servicing arrangements and provide safe, convenient accesses for all,*
 - *ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected and ensure that vehicular traffic generated does not materially increase other traffic problems*
94. Policy WCS11 (Sustainable Transport) seeks to maximise the use of alternatives to road transport and minimise distances travelled in undertaking waste management.

Sustainability transport issues

95. As has been recognised in the applicant’s transport statement, the site is accessed by rural roads from Newark and Balderton and there is limited opportunity to access the site other than by means of private car. There is no footway along Bowbridge Lane or Staple Lane, nor do any local bus services offer any feasible access. There are options for cyclists with much of the Newark area within reasonable cycling distance and the proximity of the Sustrans cycle route along the former railway line to the east, does assist. Car sharing is also an entirely feasible option and could be expected. A cycle rack is proposed and sufficient car parking spaces would be provided for staff. It is therefore considered that despite its situation, the site can be accessed in a sustainable way and many of the 18 employees are likely to live locally. The highways officer notes that, as part of the planned Southern Link Road, sustainable access would be maintained and improved as part of the changes to the local road network.

Traffic generation, routing and capacity

96. The proposed MRF is a road served facility, likely to accept waste from a wide range of sources, albeit the applicant indicates that the facility would predominantly serve the 'Nottinghamshire area'. Such facilities are inevitably reliant on road haulage and access to the strategic road network and whilst it has to be recognised that waste could be sourced from further afield, the financial realities somewhat limit the haulage distances for unsorted waste inputs. On the other hand sorted bulk waste outputs can be transported further distances and indeed the market for materials is an international one. This bulking up of waste would accord with WCS11 and it is reasonable to assume that the facility would serve a local need.
97. The applicant's transport statement has set out the predicted maximum vehicular movements, excluding staff cars, as set out in the table below. These are the revised figures based on the 60,000 tpa facility now proposed and represent a 40% reduction from the original proposals. Two scenarios are set out, depending on the mix of the vehicle fleet. The first scenario would be using HGVs only for inbound and outbound and would result in 18 HGVs in/18 out per day (36 two-way). Taking the worst case scenario 2, up to 33 waste carrying vehicles of varying sizes would enter and leave the site each working day (66 two-way movements), which if assumed to be evenly spread throughout the day, would result in six 2-way trips per hour, 3 arrivals and departures, or one every 20 minutes. However unlike with the first scenario, not all such vehicles would be HGVs- there would be 48 two-way HGV movements.

Scenario 1 (All HGV Movements)				
Operation	Vehicle No (size)	Waste Through-put (Tonnes)	Daily traffic movements (one-way)	Daily traffic movements (two-way)
Scenario 1				
Waste in	9 (22t)	198	9	18
Waste out	9 (22t)	198	9	18
Total Vehicle Movements	-	-	18	36
Scenario 2 (Mixed Vehicle Movements)				
Operation	Vehicle No (size)	Waste Through-put (Tonnes)	Daily traffic movements (one-way)	Daily traffic movements (two-way)
Scenario 2				
Waste in	2 (22t)	44	2	4
Waste in	8 (9t)	72	8	16
Waste in	9 (4t)	36	9	18
Waste in	5 (8t)	40	5	10
Waste out	9 (22t)	198	9	18
			33	66

98. Comparison with existing or former vehicle movements at the site are difficult as historically, vehicle movements are likely to have varied considerably as the site evolved and the former skip hire business had the ability to generate a

considerable number of trips, but which later tailed off as the business wound down. Currently the WTS is permitted to accept 30 waste carrying vehicles entering the site each day, which would be 60 two-way movements, albeit that these would be considered to be a mix of smaller commercial vehicles and skip wagons. Also planning permission was previously granted to develop the site into a MRF with a capacity of 75,000tpa, which would have resulted in 40 two-way movements per day. The current proposals therefore represent similar levels of vehicle movements, except a greater proportion of HGVs would be expected when compared with its current use, especially under scenario 1.

99. The transport statement also assumes that the majority of staff would arrive by car from Newark in the morning peak, probably before the site opens to waste carrying traffic. This traffic could be adequately accommodated on the local road network.
100. It is possible that the facility could source waste from within the Newark urban area- the application makes an allowance for 20-30% of the total trips for such local contracts. Such traffic in that case could utilise Bowbridge Road and Bowbridge Lane. Given that such collection vehicles would already be on the local urban roads, it would be unreasonable to restrict access to Quarry Farm from Bowbridge Road for such vehicles. However the above percentages may be an optimistic assumption and the majority of inbound waste trips would in any case be from out of town using the surrounding road network.
101. For a road-served facility designed to take waste from the 'Nottinghamshire area' it has to be recognised that at present, the available access routes from Quarry Farm to the strategic road network (the A1 and A46 in particular) are not ideal in terms of their impact on local communities and also in terms of their junction geometry. The route from the north would involve passing through parts of the town-notably Farndon Road, Boundary Road and Bowbridge Road, passing several schools, in order to access the A46. The route via Staple Lane to Balderton involves a T-junction at London Road which can be difficult to pull out of, as well as passing a group of properties. A third route option, south, along the C3 is subject to a weight restriction for the benefit of the villages along this route.
102. Whilst initially no set route was proposed in the application for the HGV traffic to follow, officer and Member concern was raised that additional heavy traffic using routes through the town, could result in a detrimental impact on the amenity and potentially safety of the surrounding communities and vulnerable land uses, notably the schools. Existing HGV traffic using such less than suitable routes is already a concern and has resulted in a long-term degradation of the road structures. The Town Council also commented at the time that in their view there was no coherent traffic plan within the application.
103. With regards to the C3 option, the County Council via Transport and Highways Committee agreed in September 2014 to extend the 7.5 tonne weight restriction order to include Staple Lane and Bowbridge Lane. The result of this, when concerning Quarry Farm (as identified by Alverton and Kilvington Parish Meeting in their objection) is that the site (and surrounding businesses) is very shortly (the order is expected to be made imminently) to be within the restricted

area for local access only and as such HGVs will be able to access Quarry Farm by using the C3, through Alverton and Kilvington, from the A52. Allowing the additional HGV traffic which would arise from the proposed MRF to use the C3 would run counter to the purposes of the environmental weight restriction and result in consequent detrimental amenity to these communities.

104. Taking into account the above constraints on the routes from the north and south, the applicant offered to fix the route for HGVs via Staple Lane to Balderton and the A1 and a routeing agreement has been tentatively offered to that regard. Clearly this would still involve a rural road with width and junction constraints however it must be recognised that the roads are already used by large HGVs such as those which access Staple Landfill site. Balderton Parish Council have not commented on the application.
105. The applicant's transport statement has looked at two points of constraint along this route and demonstrated that firstly, HGVs turning out of Staple Lane would have clear visibility both ways along London Road, including back to the A1 roundabout. It is true that vehicles exit the roundabout at speed, however such vehicles would likewise see a HGV waiting to turn out of Staple Lane. HGVs turning into Staple Lane would though have to enter the opposite lane to make the turn, just as any existing HGVs of this type have to. Secondly, at the old railway bridge on Bowbridge Lane, it is noted that it will not be possible for two HGVs to pass each other at that narrow point.
106. Highways officers raised several concerns during the course of the application, however under the revised plans now presented, the highways officers are content that the additional traffic can be accommodated on the local road network and would not result in cumulative severe impact. The figures do still represent a significant proportionate increase in HGV traffic, but are not considered to have a significant impact on road safety or capacity. Officers are also satisfied with the layout and use of the Staple Lane/London Road junction, which has benefitted from recent footway widening works, thereby improving visibility. A review of the road traffic accidents in the area has also been undertaken, raising no particular concerns with the highways officers.
107. Highway officers are further content with the proposals now that there has been significant and recent progress with the delivery of the proposed Southern Link Road (SLR), the first phase of which is expected to be started this spring and could be delivered within two years. The developers of the southern urban extension, working with the District and County Councils and D2N2 (the Local Enterprise Partnership) have secured enabling finance to build phase 1 of the SLR. In a change to the project phasing, phase 1 would now run from the A1 at Balderton to a new roundabout at Bowbridge Lane, just to the north of Quarry Farm. The southern arm of this roundabout would link back onto Bowbridge Lane to serve Quarry Farm, whilst the current road would be stopped up at the point of the old railway bridge, outside of the Jericho works. The plans for the SLR are shown on plan 2.
108. The purpose of the early delivery of the first part of the SLR is of course to enable the currently stalled housing and industrial developments to come forward, but even in phase 1 the SLR would offer improved access to Quarry

Farm from the A1, avoiding the junction at Staple Lane and London Road and other pinch points such as at the former railway bridge. Access to and from the A46 at Farndon, however would still be constrained, until the full SLR is completed. The timing of the future phases of the SLR are much more uncertain and tied to the rate of house building to the south of Newark over the coming years. Therefore the full benefits of a through route from the A1 to the A46 may not be realised for many years.

109. Whilst progress on the SLR would clearly be of benefit to the proposed development, there is always a chance that works could be delayed, which would require use of the current road network as discussed above. The highways officer's advice is that the proposed development could be supported, but subject to the signing of a lorry routeing agreement to utilise Staple Lane in the interim.
110. Therefore taking into account all of the above relevant factors and developments it is considered necessary to require the applicant to enter into a lorry routeing agreement (as part of a Section 106 agreement) and that any grant of planning permission be dependent on the sealing of such agreement. Such an approach would accord with WLP Policy W3.14 and W3.15 and WCS13 to protect local communities and direct traffic to a route considered to have the least adverse highway and amenity issues. The routeing agreement would control and apply to HGVs over 7.5 tonnes, so that any smaller vehicles which may access the facility under the second mixed fleet scenario, would not be unreasonably restricted. The affected roads are able to accommodate the volume of traffic, but it is the heavy type of vehicle which raises most local concern.
111. In the first instance the agreement would require HGVs to route via Staple Lane to/from London Road, with outbound trips turning right towards the A1. The purpose of specifying this route, would be to encourage any HGVs originating from the A46 side of the town, to bypass around the town via the A46 and A1 exiting at Balderton. Once phase 1 of the SLR is opened the agreement will require (by default –as a result of the road layout changes) HGVs to use the SLR to/from the A1 at Balderton. The agreement would be required to be in place until as and when the full SLR is completed, otherwise routes though the town would still be possible.
112. Officers consider it would be inappropriate and unacceptable to have additional HGVs running through Newark town centre and housing areas on the grounds of safety, capacity and amenity. There are a number of high footfall and vulnerable user generating sites along such a potential route as well as it being a residential area. The utilisation of the C3 would also be unacceptable in terms of highway amenity impact on the small villages along its route. The requirement for a lorry routeing agreement is therefore considered necessary to make the proposed development acceptable in planning and highway terms. The proposed extent of the designated HGV route and its application to vehicles over 7.5 tonnes only (to/from the proposed MRF), would result in it being fairly and reasonably related in scale and kind to the development as required by the NPPF.

Design, Landscape and Visual Impact

113. The Quarry Farm estate is situated in a somewhat detached location south of the Newark urban area, surrounded by open countryside. The built development at the estate and the use of other land for open storage means that the visual character is generally not of high quality, however the estate is detached from main urban areas, distant from public road frontages and is relatively well contained as a group of business uses.
114. Development at the proposed site would though have impacts on views in/from the surrounding countryside, particularly when viewed from positions to the west, such as from public footpaths. The proposed development includes a substantial steel-framed building some 94 metres long and 12m to ridge height, whilst also retaining the existing portal framed building. The size of the proposed building, together with its positioning along the western side with its long blank elevation facing out into the open countryside requires assessment.
115. To assist in this landscape and visual assessment, supplementary information was requested to demonstrate the appearance of the proposed MRF building from pre-agreed viewpoints. It includes a brief visual impact appraisal and a series of photomontages to show the proposed building from these viewpoints.
116. Firstly, in terms of the existing landscape character of the area, the site is situated within the Village Farmlands area of the South Nottinghamshire Farmlands Regional Character Area, (as per the Newark and Sherwood Landscape Character Assessment 2010) which characterises the area as:
- Gently rolling agricultural landscape with a simple pattern of large arable fields and village settlements.*
117. It notes that there are patterns of large arable fields, with Hawthorn hedges, with several small nucleated and traditional villages. However it also notes that to the south of Newark and Balderton, there are industrial influences associated with historical and continuing gypsum mining, with a number of voids, earth mounds and restored areas within the open countryside. There are also areas of industrial units, scrap-yards and areas of rough grassland around the urban edge of Newark. The landscape condition is classed as moderate and its sensitivity also moderate, leading to a policy action of conserve and create.
118. Indeed the industrial influence around the peripheries of Newark are self-evident at Quarry Farm, itself developed alongside the former Hawton gypsum works - the remaining Listed Grinding Mill being the surviving relic from this quarry. The character is also despoiled by numerous electricity pylons and lines in and around a substation, adjacent to the Quarry Farm access road. The estate itself features several industrial buildings and workshops, including the existing open portal framed building on the application site. There are also three permanent residential properties and additional mobile residences.
119. Around and beyond Quarry Farm there is an openness to the countryside due to the large fields, notably to the west where this openness permits views across to the Hawton and the Grade I Listed All Saints Church.

120. A total of four viewpoints were agreed with the applicant's consultants for assessment; two along Bowbridge Lane to the east and two on the west side at Cotham Lane and at a public footpath. The views from the east side, show that the proposed MRF building would be largely obscured by the existing industrial buildings at Quarry Farm and would be viewed as part of this grouping of buildings. The long view from Cotham Lane (though a hedgerow gap) would be of the gable end at distance and would be partially screened by trees and hedging.
121. The key viewpoint of concern has been from viewpoint C, which is from the public footpath running along a field boundary 270m to the west. The photomontage from this point shows the view across the arable field towards Quarry Farm and the top two-thirds of the MRF building being visible along its full length above the existing hedge/tree line. It is illustrated in a neutral grey colour, although the applicant is willing to confirm a final colour choice. The existing portal framed building and other surrounding buildings are not visible behind the proposed new building.
122. The landscape officer considers that the illustrated impact would be of a *moderate adverse* level to users of the right of way. Such users are considered to be of high sensitivity to visual change. These peoples' enjoyment of the view towards All Saints Hawton, may also be impacted and this is separately considered under the heritage impact section. Overall the impact is therefore assessed as *moderate adverse*.
123. As mitigation, a proposed landscape bund is proposed to be positioned along the western boundary to attempt to partially screen the bulky elevation of the MRF. The bund itself would be 1.5m high and planted with a native woodland mix of trees and shrubs. The landscape officer comments that it will take some considerable time for the trees to become tall enough to give any screening and recommends that more nursing stock are used.
124. In terms of the applicable planning policy, Core Policy WCS 15 requires that all new or extended waste management facilities should incorporate high standards of design and landscaping, including use of sustainable construction measures.
125. Saved Policy W3.3 from the Waste Local Plan requires the consideration of the following criteria with regards to the proposed building. Such buildings should be:
- Located in such a position to minimise impact on adjacent land.
 - Where practicable, grouped together to prevent the creation of an unsightly sprawl.
 - Kept as low as practicable, with appropriate cladding/colours and satisfactorily maintained thereafter.
126. Saved Policy W3.4 requires screening and landscaping measures to be provided to reduce visual impact.

127. Core Policy 13 of the Newark and Sherwood Core Strategy says that development proposals will be expected to contribute towards meeting the landscape conservation/enhancement aims for the landscape area.
128. Attempts have been made to reduce the scale and impact of the proposed building. The plans as first submitted proposed a larger building in an 'L' configuration, with the small wing set against the southern boundary with Quarry Farmhouse. The revised plans, removed this wing, resulting in a longitudinal portal frame building against the western boundary. This has resulted in the building footprint being reduced from 3700m² to 2820m². The height of the building has also been reduced from a maximum ridge height of 15m to 12m (and height to eaves reduced from 10m to 8m) in order to lessen its impact. However it remains a large building which also requires an additional strip of land in order to accommodate it. Whether this reduced scale of building amounts to an over development remains a matter of debate, however there is now a larger manoeuvring yard within the remaining space and there would no longer be a 12m high elevation directly facing onto Quarry Farm House, some 35m away.
129. The previous planning permission in 2006 involved developing the existing open fronted building into a larger enclosed MRF building. This would have added an extension of some 12m in depth to the building, thereby extending this 10-14m high building further out and along the southern site boundary with Quarry Farm House. Whilst this design would have resulted in a large building set against the house, it would have had a considerably lesser impact on surrounding landscape, due to it being better contained within the site.
130. The current proposal therefore when assessed against Policy W3.3 would minimise impact on adjacent land at Quarry Farm House, but as a result would have a greater landscape and visual impact on land to the west (assessed as moderate adverse). The building would be relatively well grouped with other buildings when looking at the estate as a whole and would not cause sprawl. The height has been minimised to the minimum practicable height to accommodate loading bay doors and the necessary internal equipment. A neutral grey colour cladding can be secured by condition.
131. The design as a whole is a typical portal frame industrial building finished in a neutral grey cladding, which is considered appropriate to its setting and intended use. The proposed landscape bund would assist in screening the building and limiting landscape impact in accordance with Policy W3.4. It would also assist in enhancing tree cover and habitat value in accordance with the aims of the landscape policy area. The submitted planting scheme for this bund requires some improvement, so that more mature specimens are used, such details are capable of being required by a suitably worded planning condition, should Members decide to approve the application. Subject to agreeing this planting and a final neutral colour for the cladding, the aims of Policy WCS15 are considered largely met in terms of providing sustainable design, however the moderate adverse impact to the landscape element remains a consideration weighing against the application.

Ecological Impact

132. Appropriate ecological surveys have been undertaken for what is predominantly an existing developed site, comprising hard surfaces and buildings associated with its use as a waste transfer station. However given that some development would extend into the adjacent paddock and the proximity of surrounding countryside, the phase 1 habitat survey was necessary.
133. The site, including the adjacent paddock, was found to have a low to negligible ecological value as a result of human activities including the grazing of horses on the paddock and no notable or protected species were found. In addition the buildings on site were deemed unsuitable for roosting bats. There is some limited potential for reptiles on the bund, however no further surveys were considered necessary.
134. A subsequent survey for owls alleged to be using the existing open fronted building was undertaken and found no evidence of barn owl or any other species of owl on site or within the building. There were no suitable nesting opportunities for barn owls. If though, any owl had chosen to occupy the building it is reasonable to assume that they would be able to continue to do so, as the use and nature of the building would be maintained as a store for sorted waste within the wider proposed development.
135. The survey work also identified there are no nationally designated sites of ecological interest within the area, but that there are a number of Local Wildlife Sites, the nearest being grassland on the former Hawton quarry land, approximately 250m to the south. There are no continuous habitat corridors between these sites and the development site and surrounding land uses such as for horse grazing deters such movement of species.
136. The Nature Conservation Officer and Nottinghamshire Wildlife Trust (NWT) concur with the findings and recommendations of the survey work. The recommendations include measures to ensure the paddock does not develop into a sward which would be attractive to reptiles or ground nesting birds- prior to the commencement of works, or use of alternative mitigation to check for such species upon construction and soil stripping. NWT request that any external lighting is designed so to minimise light spill to the detriment of foraging bats and a suitable condition can be made.
137. The proposed development would therefore not cause any harm to habitats or notable ecology and is considered to comply with Policy WCS13 on this environmental aspect

Heritage impact

138. The application site lies within the setting of two nearby listed buildings, these being:
 - The remains of the former gypsum grinding mill at the former Hawton works (Grade II), situated 400m to the east. This is the last remnant of the extensive gypsum works before operations moved across to the Bantycok site and is on the Buildings at Risk register.

- All Saints Church Hawton (Grade I) approximately 1km to the west. This is one of the finest churches in the County, the tower of which is visible from the site and from the intervening public footpaths crossing the adjacent fields.
139. As with the visual impact assessment, the proposed building, by virtue of its size and siting, was identified as affecting the setting of the above buildings and it was requested that a proportionate level of information in relation to heritage impact be provided in accordance with the requirements of the NPPF. This information has been assessed with the application by the Conservation Officer.
 140. Firstly in terms of impact upon the grinding mill, it is clear that this is in an extremely perilous and deteriorating physical condition, however its future chances of being restored would not be affected by the proposed development. In terms of its setting, it continues to be seen as part of an industrial setting and views between it and the application site are further screened by the other industrial buildings. Therefore it is considered that the proposed development would lead to a neutral impact upon the setting of this listed building.
 141. All Saints Church meanwhile is of much more significance as it is listed Grade I (putting it in the top 5% of all listed buildings) and is a fine local landmark in its rural setting. Its unusually high status within a small parish, as demonstrated by its pinnacle topped tower and fine internal carvings, forms part of its significance.
 142. In terms of intervisibility between the Church and the application site, only glimpsed views can be obtained from the churchyard, however users of a public footpath across the intervening fields are able to appreciate views of the church in its historical and rural setting. Such walkers, when looking east, would also be able to view the proposed MRF building, so that it would impact on the way the church is experienced from this location.
 143. The Conservation Officers finds that the proposed development would not serve to preserve or enhance the eastern setting of All Saints Church. This is relevant to the statutory provision in the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires planning authorities to have special regard to the desirability of preserving the building and its setting. The main reasoning for this view would be from its visual size and bulk, but also any potential increase in noise, light and traffic may also erode the rural setting of the church.
 144. The relevant planning policy for heritage impact is set out in the NPPF and at Policy DM9 in the Newark and Sherwood A&DM DPD. NPPF Para 132 states 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 attached. Significance can be harmed through development within its setting. Policy DM9 states that development proposals affecting heritage assets and their settings should be expected to secure the continued protection or enhancement of the assets and such proposals should be appropriately designed, sited and use appropriate materials and methods of construction.

145. In this case a level of impact or 'harm' upon All Saints Church has been identified should the proposed development proceed. Whilst greater weight should be attached to conserving the church and its setting, as a Grade I listed asset, the conservation officer's advice is that the overall level of harm amounts to 'less than substantial' harm in this case. Paragraph 134 of the NPPF states that where a proposal would lead to such a level of harm, this harm should be weighed against the public benefits of the proposal.
146. In terms of any cumulative impact Members will note a recent appeal decision granting permission for four wind turbines at a site to the south-east of Hawton, which if built would likely have a much greater impact. However the Inspector in that appeal did not identify significant harm to the setting of All Saints Church as a result of the proposed wind farm. Unlike the wind farm, the proposed development would be set against the existing built development at Quarry Farm.
147. The conservation officer has taken into account the proposed landscape mitigation, which would, in time, assist and appear as part of an established hedgerow, however the officer cautions that English Heritage advise that such landscaping should not be depended on over the long term, given that, unless protected in some way, planting can be removed or changed, thereby removing the mitigation screening. However should planning permission be granted a suitable condition requiring an effective landscaped bund can be made, the requirement of which would run with the land so that it would be thereafter maintained to provide the screening vegetation.
148. In conclusion, a level of less than substantial harm has been identified against All Saints Church which must be weighed against the wider public benefits of the proposal when considered in the round.

Flood Risk and drainage

149. The submitted Flood Risk Assessment (FRA) identifies (from Environment Agency mapping) that the application site is predominantly situated within Flood Zone 1- at a very low risk of flooding. The existing building in the south-east corner and at the margins of the site entrance are shown as within Flood Zone 2, with a small area of the current yard area shown in Flood Zone 3.
150. The Environment Agency raise no objection to the proposed development stating the proposed MRF building appears to be within Flood Zone 2 and that standing advice can apply. However since the size of the building has been reduced it is now evident that the building would now be wholly located in Flood Zone 1 and at very low risk of flooding from fluvial sources including from the nearby Middle Beck or River Devon.
151. Parts of the neighbouring land at Quarry Farm have been identified as being very susceptible to ground water flooding based on BGS data, however the applicant contends that there have been no reported instances of such ground water flooding at the site from the current occupiers of the site.
152. The site and surrounding area is not considered to be at risk from surface water flooding and there are no known historic surface water flooding issues. The

majority of the existing site is either covered by the buildings or paved with concrete. The western side of the site is not paved, but formed as hardcore and has an existing bund of inert material.

153. A drainage strategy for the site has been developed in association with the completion of the external yard as an impermeable hardstanding. The strategy also seeks to maximise capture and reuse of rainwater from the roof of the proposed new building, with a rainwater harvesting system, for use in processes on site and for use in suppressing dust and washing vehicle wheels.
154. Any surplus clean roof water would be directed to a new on-site soakaway buried below the yard. Surface water collected from the external yard would typically be uncontaminated, but could contain silts and residues and so it would be first put through a three-stage interceptor before discharge to the soakaway. This storm water soakaway would be able to accommodate a 1:100 year storm event and there would be no annual increase in the volume or peak surface water discharge rate from the site.
155. The internal surfaces of the proposed building where waste would be handled and sorted would have a sealed foul water system that would again channel such waters through a separate three-stage interceptor before being discharged into an on-site cess pit. This would be emptied via tanker as required as there are no mains sewers in the vicinity of the site.
156. Overall whilst the further development of the site would reduce the site's overall permeability due to the construction of the building on the area of land currently laid as hardcore, the provision of the sustainable drainage system and rainwater harvesting should mean that the development wouldn't increase the risk of flooding elsewhere.
157. The proposed drainage along with provision of complete hard surfacing provides for a satisfactory means of protecting the environment from any potential contamination from the site waters. Furthermore the provision of a rainwater harvesting system and storm water soakaway is considered to offer a highly sustainable solution to managing clean surface waters.
158. Subject to appropriate detailed design the proposed development is capable of according with Policy WCS13 and saved WLP Policy W3.6 on drainage. The comments of Seven Trent Water has therefore been taken into account.

Contamination

159. The application has been accompanied by a Phase 1 desk-top study and Phase 2 intrusive investigation to assess the ground conditions at the site. It includes a fully developed conceptual site model and any potential impacts from contamination have been identified.
160. The desk top work identified there are a number of potentially contaminative land uses in proximity which may affect the site, such as the asphalt plant and ready-mix concrete plant, as well as extensive historical (and ongoing) mineral extraction sites with associated infilling/backfilling. Quarry Farm itself has been

in use as a waste site and has its origins in association with the former Hawton Gypsum works.

161. The conceptual model considered the risk from potential contamination on receptors such as site workers or upon groundwaters. This work in turn informed a Phase 2 intrusive stage of work.
162. A total of six window sample boreholes and four trial pits were undertaken across the site area and laboratory testing undertaken on the material. In addition soil samples were taken from the existing earth bund along the western site boundary. The ground was found to comprise Made Ground of variable composition to depths of up to 1.6m, (including compacted rubble hardcore, silts, ash, cobbles, brick, tile, glass etc) below which is the solid geology of the Branscombe Mudstone formation. Samples from exploratory boreholes were found to contain contaminants within the made ground, with elevated concentrations of benzo(a)pyrene from one sample as well as a single sample of elevated concentrations of polycyclic aromatic hydrocarbon (PAH). In addition a single sample of asbestos fibres was found and it is possible that further asbestos materials may be present at the site, which would pose a hazard to site workers, during construction, however a watching brief is proposed and the Reclamation Officer believes this to be adequate.
163. End users of the facility are considered to be at low risk from any ground contaminants as the proposed concrete hard surfacing would effectively block any pathways.
164. The solid geology beneath the site is designated as a Secondary B Aquifer and it is not within a Source Protection Zone. Controlled waters are considered to be at low risk of impact.
165. The potential risk from any ground gases is considered low and the Reclamation Officer is now content on this matter.
166. The site is considered suitable for the proposed development, and the provision of suitable drainage and hard surfacing (as discussed below) would provide the necessary safeguards to the environment. Conditions are recommended in accordance with WLP Policy W3.6 to contain any fuel or oil tanks within bunds, and the provision of hard surfacing and sealed drainage.

Economic development and Employment

167. The applicant states that the proposed development would generate fifteen new jobs, in addition to three existing positions. The generation of new jobs weighs in favour of the development, as reflected in the NPPF which advises that significant weight should be placed on the need to support economic growth and deliver the industrial and business units the country needs. Newark and Sherwood Core Policy 6 also seeks to enhance the town's employment base, thereby supporting its role as the Sub—Regional Centre. It seeks to retain and safeguard employment land and sites that can meet the needs of modern business.

168. The redevelopment of the site would provide a modern fit for purpose facility, enabling the applicant to increase efficiency and win and thereafter provide waste services to customers. The facility would support haulage contractors and provide recycle materials for re-processors.

Hours of operation

169. The proposed hours of operation are: Monday to Friday 07.00 to 18.00hrs and Saturdays 07.00 to 16.00hrs. The site would not operate on Sundays or Bank Holidays.
170. Currently the WTS is permitted to operate 07.00-19.00 Monday-Friday and 07.30-13.30 Saturdays. Planning permission was previously granted for a MRF on this site with a capacity of 75,000 tpa and with permitted operating hours of 07.00-19.00 Monday-Friday and 07.00-13.00 Saturdays.
171. The proposed hours of operation include a notably longer working Saturday when compared with the current operations and also when compared against the previous grant of planning permission to develop the site as MRF. It is also clear from the noise assessments that much of the surrounding business also close on Saturday afternoons. Working longer hours on a Saturday, therefore has potential to generate increased levels of noise, traffic and general activity, impacting on the residential properties situated within the estate. Of critical importance is that of noise impact and this is separately considered below.

Noise impact

172. The proposed MRF would feature several items of plant and machinery likely to generate noise as well as external movements of vehicles and mobile plant in the yard. Despite this being a primarily industrial area, there are several residential properties within the estate and in close proximity to the site. A BS4142 Noise Assessment concerning mixed use environments has therefore been provided with the application which sets out the predicted likely noise impact on the nearest affected residences and the Best Available Techniques to limit such impacts.
173. The application as originally submitted proposed a larger operation and larger building on the site. The Noise Assessment and the design approach for the building made an erroneous assumption that the occupants of the adjacent Quarry Farm House would tolerate higher noise levels which would be generated, due a business connection to the application site. This is in fact not the case, and the applicant does not have a business relationship with the neighbouring residents as has been confirmed in their objection.
174. Subsequently the application has been revised and the design approach revisited so as to provide a package of acoustic mitigation measures to enable the proposed development to operate within the acceptable noise thresholds as part of the relevant British Standard. This BS4142 assessment has been fully reviewed by the County Noise Engineer, who concludes that in order to limit noise impact to an acceptable level upon the nearby residences, all of the proposed mitigation measures would be required to be completed to a high specification, notably a high standard of acoustic cladding to the building.

However it is also recommended that operations on a Saturday afternoon should be restricted.

175. With the exception of one externally positioned generator, all fixed plant would be housed within the proposed building. This will have fast acting roller shutter doors to enclose operations and a high specification of acoustic cladding to all elements of the building. Whilst such cladding will be challenging (and not inexpensive), it is considered technically achievable and product specifications have been provided to that regards. The cladding would be necessary to mitigate noise leakage from the various fixed machinery within the building.
176. Externally, two acoustic fences would be required. One along the northern boundary nearest to the property known as Wigeon Flights would be 2.5m high, whilst the second would be along the southern boundary with Quarry Farm House and be 3m high. The visual impact of this is considered separately. These fences would assist in containing noise from external activities such as from the movement of vehicles and from noise emanating from a generator. Mobile plant would also be required to have broadband reversing alarms and other Best Available Techniques would be applied to the operation of the site.
177. The weekday hours of operation are proposed to be 0700-18.00. With regards to these proposed hours, the noise assessment finds that with all the mitigation measures in place, weekday noise impact would be within acceptable noise thresholds (+10dB) for all residential properties. The assessment finds that at Wigeon Flights there would be a rise of +5dB (L90), which would be of marginal significance. At The Spinney, there would be a reduction of 4dB. There would be a neutral noise impact on Quarry Farm House and elsewhere, one mobile home would be neutrally impacted and three mobile homes would experience a 5dB reduction. The predicted reduction in noise impacts at the above can be explained by the current operations being enclosed within the new building.
178. On a Saturday however, the background noise levels were found to reduce significantly after lunchtime as the surrounding businesses close for the weekend. The character of the estate on a Saturday afternoon is one that is much quieter and generally less busy and it is clear that it offers a period of respite to the residents who live close to the industrial premises. The site itself under its former Trent Skip Hire banner operated until 13.30hrs on Saturdays and it is quite typical within the waste industry for such firms to work half day on Saturdays. The proposed hours of operation on a Saturday from 07.00 to 16.00 have therefore been a concern and indeed the noise assessment finds that increases of +10dB would occur at Quarry Farm House and at one of the adjacent mobiles, which is at a level likely to generate noise complaints, as informed by BS4142. The Noise Engineer therefore does not support the hours applied for on Saturdays, on the basis that the prevailing background noise reduces at around 12.30 and that the operations at the MRF would lead to unacceptable impacts on the neighbouring residents. The proposed development is only supported if these hours were to be cut to 07.00 to 13.00hrs.
179. In accordance with Policy WCS13 of the Waste Core Strategy, subject to providing suitable mitigation and safeguards, including on the hours of

operation, it is considered that the proposed development would not lead to an unacceptable level of noise impact on those living or working nearby. An acceptable level of noise impact is dependent on the development being completed with all the necessary noise mitigation measures being put in place, and which are subject to recommended planning conditions. These reasonable measures are in accordance with the powers under Policy W3.8 of the Waste Local Plan. Whilst, particularly in the case of Quarry Farm House, properties are in close proximity to the development site, the application can demonstrate that operational noise can be successfully mitigated to protect the amenity of these residents, albeit that on a Saturday afternoon the operations would not be acceptable and hence the recommendation to curtail such operations until 13.00hrs.

Air Quality/Dust

180. The recent use of the site as a skip hire and waste transfer station has led to instances of dust plumes causing nuisance to one of the nearby residential properties. Primarily this was related to the processing of a large stockpile of inert waste and soils on site. Following the closure of the business, the present owners cleared the site of waste, including the remaining stockpiles of inert soils and hardcore, but leaving an existing bund along the present western boundary.
181. The proposed development would enclose operations within the new building which would be an improvement on the current/previous open air operations. The application also proposes the completion of concrete hard surfacing across the external areas, which would allow the operator to sweep or wash down the area and prevent the build-up of materials likely to cause fugitive dust. Together with the proposed drainage system, which would harvest roof-water for use in such on-site cleaning, whilst also capturing any silts or oil residues, the potential for fugitive dust emissions would be greatly minimised.
182. The application includes a Dust /Air Quality assessment and it is recognised that with such waste handling sites there is always some potential for dust, particularly during the drier months, however the operator has extensive experience of running such sites and employing what are considered to be standard best practice dust control measures.
183. Potential sources of dust have been identified. In general, fine particles can typically arise from vehicle movements and can be carried further on the wind. More coarse particles can escape from the waste processing, but are less likely to be carried on the wind. In addition the construction phase also has potential to generate dust from associated earthworks and from the movement of HGVs and plant.
184. There are three dust sensitive properties in close proximity, these being the residential properties at Wigeon Flights (35m distant), Quarry Farmhouse (35m distant) and The Spinney (110m distant).
185. Based on the prevailing metrological conditions, the assessment has concluded that the magnitude of impact from dust would be negligible to minor at all properties. The position of the Spinney to the north-east would place it downwind from the application site, where there could be up to 38 dry windy

working days, however its distance, the presence of intervening buildings, together with the mitigation measures would minimise this impact.

186. Wigeon Flights just to the north-west would be expected to receive up to 16 dry windy working days, whilst Quarry Farm House to the south, would receive up to 12 dry windy working days. With the envisaged mitigation, any dust issues should be minimal and temporary in nature. A noise attenuation fence is now proposed along the southern and northern site boundaries, and whilst these predate the dust assessment, such fences are likely to provide a further barrier to dust or detritus leaving the site.
187. The close proximity of these properties is evident and dust has been an issue at Quarry Farm house in the past. However, the proposed development would enclose processing and storage of materials and thereby removing the element which previously was an issue.
188. One representation cites a lack of mains water at the site as a constraint on minimising dust, however the rainwater harvesting scheme addresses this problem to provide a stock of clean water for washing and dampening.
189. The assessment considers that there is also a negligible to minor impact from construction activities, however given the water shortage cited, it is recommended that a water bowser is maintained on site during any construction phase.
190. The aforementioned dust control measures which are proposed can be summarised as follows:
 - A dust/odour suppression/misting system installed within the building.
 - Installation of fast acting roller shutter doors.
 - The regular cleaning of all waste storage areas.
 - Minimal drop heights when handling materials.
 - Water suppression equipment (e.g water bowsers or sprays) to be maintained ready on site together with a supply of clean water.
 - Use of wheel and tyre cleaning equipment at the point of vehicles leaving the site.
 - Sheeting of HGVs carrying waste
 - Use of a road sweeper as required.
 - Appropriate staff training and instructions to maintain high standards of site operational practice, the making of appropriate site checks and keeping of records.

Other operational impacts

191. As with the above measures to minimise dust by enclosing operations within the proposed building, odour should also be managed to an acceptable level. In particular it is noted that the doors would be kept closed and the misting system will include use of an odour masking agent. As loading and unloading would

take place within the proposed building, waste materials should be contained within. In addition, the external yard would be well enclosed by buildings and solid fencing, helping to contain material on site. Any litter escaping could be captured and returned to the building as part of the day to day management of the facility.

192. The existing open sided portal framed building would be used to stockpile sorted waste, typically in baled form. This would be not materially different to its current or previous use.
193. Details of external lighting have not been submitted, although the application explains that downward facing floodlighting would be required and that their orientation and positioning will seek to minimise light pollution out of daylight hours. Given the revised form of the proposed building, and the likely need to provide operational lighting in the yard area, there is potential for additional light nuisance to affect Quarry Farm House, although the acoustic fence along this boundary will aid somewhat in screening the yard. It is therefore appropriate to require by condition full details and lighting levels for any such floodlighting and require them to be turned off outside of operational hours.
194. Potential vermin would be controlled by minimising the time waste resides in the building and the contracting of pest control firms if required.
195. The operation of the MRF would need to secure and operate in accordance with a revised Environmental Permit as regulated by the Environment Agency. This permit would control any emissions and pollution and the types of waste accepted and processes to sort that material.
196. The NPPF at Para 122 directs that planning authorities should focus on whether the development itself is an acceptable use of land and the impacts of the use on the land, rather than the control of processes or emissions where these are subject to approval under the pollution control regime. It should be assumed that such regimes operate effectively in regulating the operation.

Overall impact on residential amenity

197. Although primarily a commercial estate, there are some three permanent residential properties as well as several mobile homes set within the Quarry Farm complex. Residents living on the complex, do so within a predominantly commercial context made up of various industrial and engineering businesses along with large buildings such as the existing storage building on the application site and on neighbouring sites.
198. The neighbouring Quarry Farm House was previously associated with the application site, but no longer has such a link. This property is likely to be most impacted by the proposed development, in terms of visual impact and from operational impacts, due to its proximity. Some short term construction impacts could also be expected. It should though be noted that the enclosure of operations within an acoustically clad building, would be an improvement in minimising some of the impacts previously experienced when the site has been operational as a transfer station. The detrimental impacts of external working can also be seen in the current unauthorised operations currently taking place,

which has generated amenity based complaints as a result. Operational noise, dust and odour impacts have been assessed and found to be acceptable or can be made acceptable by condition. The proposed development is therefore considered to accord with Policy WCS13. The proposal has been considered cumulatively with other land uses in terms of noise and traffic and appropriate safeguards form part of the suite of recommended planning conditions.

199. In terms of the visual scale of the proposed building, upon Quarry Farm House, the closest corner of the new building would be approximately 40m north of the house, with the gable end at an oblique angle towards the house. The new building would be 8m high to eaves and 12m to the ridgeline. It would be visible from certain viewpoints at this property, certainly from first floor windows, although at ground floor the presence of two single storey, flat roofed outbuildings would partially screen the new building. The comments of the objector with regards to the size of the building are noted, however the revised plans have removed a wing off the building, thereby moving it away from the property. Its height has also been reduced. The provision of a 3m high acoustic barrier along the southern boundary with Quarry Farm House, would also carry with it a visual impact, however it is considered to be beneficial in screening the site (replacing open palisade fencing) and better containing noise and litter therein. The form of the acoustic barrier is subject to a recommended condition, which would ensure it is of suitable material and construction, not just for noise mitigation purposes, but also in terms of visual impact.
200. The side effect of the revised building footprint may be that additional light pollution may arise, however with modern lighting systems, it is possible to reduce light spillage and closely light only the areas required for operational necessity. A comprehensive lighting condition is recommended to secure such a suitable floodlighting scheme, so as to minimise light spillage onto Quarry Farm House.
201. With regards to the concerns raised about the suitability of the access road, residents living on the estate may experience additional traffic on the access road, but it is considered capable of serving the operation without leading to an unacceptable cumulative amenity impact. It is not suitable for pedestrians or children and is not a public right of way or public highway, so any such users would be doing so at their own risk.

Other Material Considerations

Impacts on Public Rights of Way

202. As explored in the landscape and design and heritage sections above, whilst no public right of way would be directly affected or impeded, there are a number of public footpaths and bridleways in the vicinity of Quarry Farm from where the visual impact of the proposed development would be apparent and where this could also result in some harm to the setting and appreciation of All Saints Church. The particular visual impact would be on Hawton Bridleway No. 4 along a field boundary 270m to the west of the application site. Views of the site are however mitigated somewhat by intervening hedges and trees and the proposed planted bund would be designed to reduce visual impact from the west.

Impact on/from Newark SUE

203. As noted above the area south of Newark is proposed for a large Sustainable Urban Extension (SUE). This SUE forms part of the development plan (Newark and Sherwood Core Strategy) and has outline planning permission, however the development has not proceeded due to viability issues. The permission has recently been subject to a Section 73 (variation) application which has been approved by the District Council. Changes to the scheme include a reduction in housing numbers and a change to the phasing and delivery. Of particular relevance to the Quarry Farm application is early provision of the first phase of the SLR from the A1 junction at Balderton to a new roundabout on Bowbridge Lane.
204. It is expected therefore that the character of this side of Newark will undergo significant change over the forthcoming years, bringing housing and other employment uses nearer to Quarry Farm, along with consequent traffic growth using the SLR and local roads.
205. Although potential noise impact on the new homes was raised during the consultation, given the separation distances between the proposed MRF and the new housing and the intervening SLR, it is not expected that there would be any significant noise impact on these properties. As noted above the residences at Quarry Farm itself are of most relevance. Once the SLR is complete the HGV movements from the proposed MRF would not be a significant element of the traffic likely to use this route.
206. The Newark and Sherwood Core Strategy allocates/overwashes Quarry Farm and much of the surrounding area for Green Infrastructure as part of the SUE, however it is clear that the developers do not have ownership of this area and it is not within their latest approved plans for the area. As part of their outline planning permission, land is included elsewhere, including on fields to the west, for green infrastructure such as for nature conservation areas and flood compensation land and therefore the redevelopment of this site at Quarry Farm would not prejudice plans for Green Infrastructure as part of the development as part of the SUE. Furthermore there is no likelihood or plan to relocate those existing businesses based at Quarry Farm.
207. In conclusion, therefore the proposed development at Quarry Farm is not expected to adversely impact on the wider plans for the south of Newark, indeed the SLR would improve access to the site.

Other Issues

208. Although the present use as a Waste Transfer Station benefits from an existing environmental permit, the Environment Agency advise that should planning permission be granted, the applicant will need to apply to the Agency to vary the terms of this permit to take into account the expansion of the site and the processes sought. An informative is suggested.

Conclusions

209. Assessment of the application has considered that the proposed redevelopment of this existing waste transfer station into a MRF would accord with the policies within the Waste Core Strategy taken as a whole. Principle support flows from the need, as set out in the National Planning Policy for Waste, and Policy WCS3, to drive waste up the waste hierarchy, by increasing the efficiency and effectiveness of recycling and the proposed MRF would make a contribution to the need for such commercial facilities and would provide a modern technological means of sorting materials.
210. The location at Quarry Farm, whilst somewhat isolated and outside of the Newark urban area is nevertheless an established and well contained commercial site and the size of the facility is now considered appropriate for the location in accordance with Policy WCS4 and WCS7. The proposed development would result in a small expansion of the site into the adjacent countryside, however a landscape bund would comprise the majority of this additional land and would provide a defensible boundary to assist in screening the size of the MRF building.
211. Whilst the height and massing of the building has been reduced, it would remain a relatively large building which would still result in a moderate adverse landscape impact. Its size, form and positioning would also result in a less than substantial harm to the setting of the Grade I Listed All Saints Church and the way it can be appreciated by users of a nearby public footpath. Whilst the plans are functional in design terms, they are considered to meet the aims of Policy WCS15.
212. There are a small number of residential properties situated within Quarry Farm itself, and potential impacts from the operation of the MRF upon these properties has been assessed. In particular, restrictions on the Saturday hours of operation and other mitigation measures are recommended to make the noise impact acceptable. The enclosure of waste operations within the proposed building would assist in minimising other impacts such as odour and mitigation measures to control this as well as dust, litter and lighting have been proposed or can be required by condition and would accord with the relevant Saved Policies in the Waste Local Plan. The facility would also have to abide by the terms of a revised Environmental Permit, which must be sought from the Environment Agency.
213. Access to the site is not ideal, however by routeing HGVs via Staple Lane, this would avoid undermining the purposes of the C3 weight restriction and avoid the built up area of Newark, which has areas of high and vulnerable pedestrian footfall, associated with residential areas and local schools. The safety and capacity of these routes has also been assessed. The recent progress to kick-start the delivery of the Southern Link Road will, as it is built out, greatly improve the access to the site. A lorry routeing agreement is recommended to ensure the HGVs adhere to the most suitable routes.
214. The site has been assessed as suitable for the proposed development in terms of flood risk, drainage, ground conditions and ecology. The expansion of this

existing waste site without leading to any unacceptable environmental impact would accord with Policy WCS8 and WCS13.

215. Paragraph 134 of the NPPF states that the less than substantial harm identified to the setting of All Saints Church should be weighed against the public benefits the proposal would bring. Great weight should be afforded to the preservation of All Saints in its rural setting. The Authority must also pay special regard to the desirability of preserving the setting of the heritage assets affected by the proposed development in weighing this level of harm against other factors. In addition to this harm, the moderate adverse landscape impact from the proposed building and the small expansion into the open countryside should be added to the balance weighing against the proposals.
216. The benefits weighing in favour of the development is that by reactivating and redeveloping this existing waste site to provide a piece of modern waste infrastructure, a useful contribution is made to the policy aims which seek to increase recycling and capture resources for reuse, in line with the waste hierarchy within the NPPW. Wider economic benefits would also flow, in terms not only of the direct generation of new employment opportunities, but also the support to other contractors and hauliers as well as recovering materials for a growing reprocessing industry. The NPPF emphasises the desire to support sustainable economic development to meet the needs of modern business.
217. It is considered that the balance weighs in favour of the grant of planning permission in this case and this recommendation is made in light of the proposed suite of planning conditions and the lorry routing agreement, necessary to make the development acceptable and sustainable.

Other Options Considered

218. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

219. 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.

Financial Implications

220. The recommendation would require the completion of a Section 106 agreement, the costs of which would be recovered from the applicant.

Crime and Disorder Implications

221. The site would be secured by means of perimeter palisade fencing and gates and although the estate is relatively remote, there is a degree of passive security from adjacent residences. Private CCTV is also likely to be installed.

Human Rights Implications

222. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life)/Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) may be affected due to the close proximity of residential properties to the site. The proposals have the potential to introduce impacts such as noise, dust, odour, and light upon these properties. However, these potential impacts can be minimised using planning conditions and application of Best Available Techniques in the operation of the site and such residual impacts need to be balanced against the wider benefits the proposals would provide such as the economic development and employment opportunities, and the contribution the facility would make to sustainable waste management aims in Nottinghamshire. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

223. The development of the site from a small scale waste transfer station to a medium sized MRF would contribute towards the identified need for such recycling facilities within Nottinghamshire to broadly serve the needs of the County. The MRF would greatly improve the handling of waste at the site and assist in the sorting of materials, so to generate recyclates which can be sold on for reprocessing, thereby diverting waste from landfill and driving such waste up the hierarchy in accordance with National Waste Policy.
224. There are no equalities, human resource or children safeguarding implications. There are no implications for users of County Council services.

Statement of Positive and Proactive Engagement

225. In determining this application the Waste 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 such as impacts of noise and traffic and addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

226. 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 secure an acceptable lorry routeing agreement whereby, with the exception of local collections/deliveries within the Newark built up area, HGVs (over 7.5 tonnes) shall in the first instance:
- d) Route via Bowbridge Lane and Staple Lane, turning right out of Staple Lane onto London Road and vice versa.
 - e) On completion and opening of phase 1 of the Southern Link Road (SLR), route northwards via Bowbridge Lane to the new roundabout on the SLR and exit eastwards onto the SLR to its terminus at Balderton and vice versa.
 - f) The agreement shall cease to be effective on completion and opening of the SLR to its junction with the A46.
227. 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 above development subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

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

[SLB 12/03/2015]

Comments of the Service Director - Finance (SES 12/03/15)

The financial implications are set out in the report.

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Farndon and Muskham - Councillor Mrs Sue Saddington.
Balderton - Councillor Keith Walker
Newark East - Councillor Stuart Wallace
Newark West -Councillor Tony Roberts

Report Author / Case Officer

Joel Marshall

0115 993 2578

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



**Nottinghamshire
County Council**

LOCATION PLAN

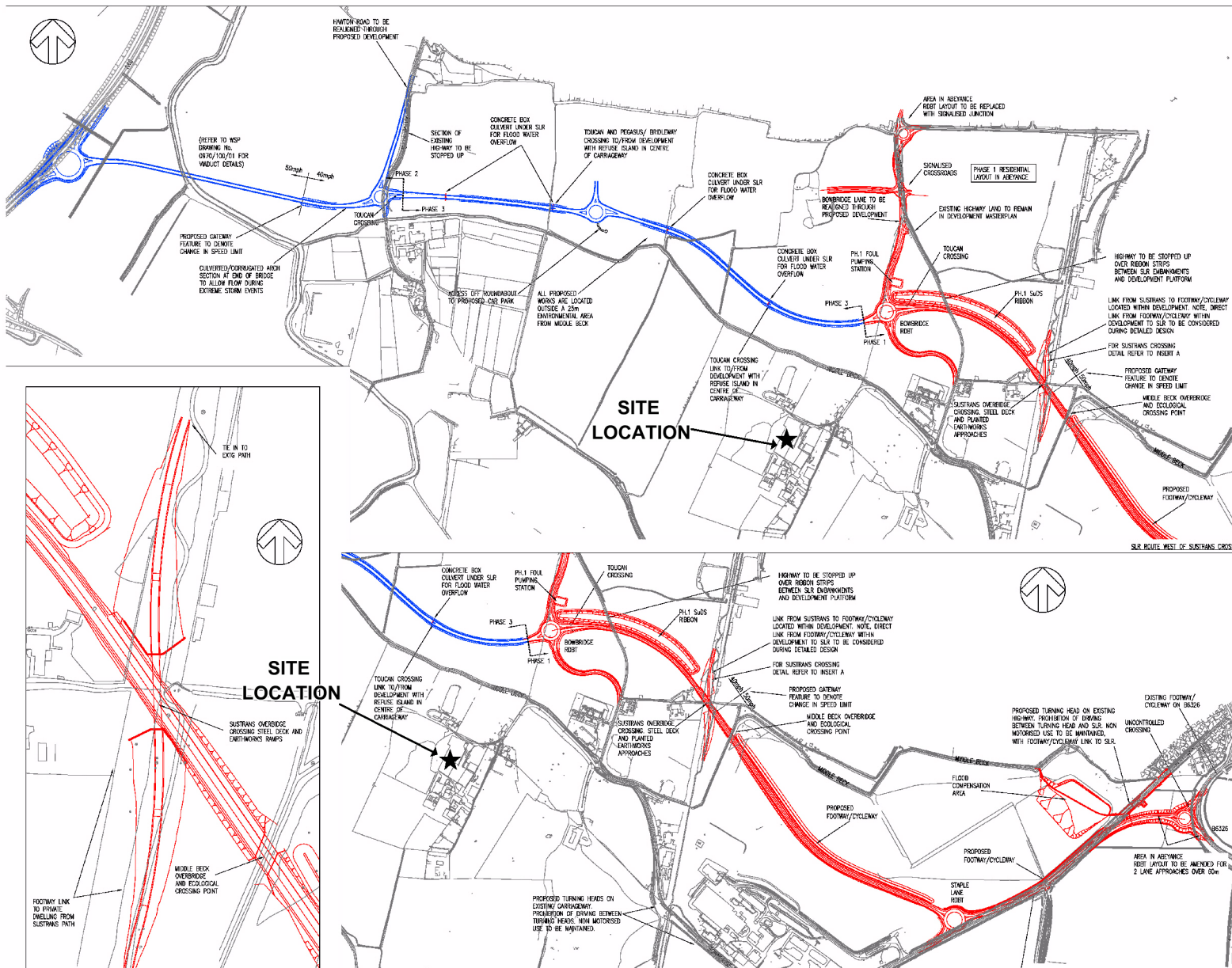
Erection of a steel framed building for the use as a materials recycling facility (MRF)
Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark
Planning Application No. 3/14/00614/CMA

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Date: JUNE 2015

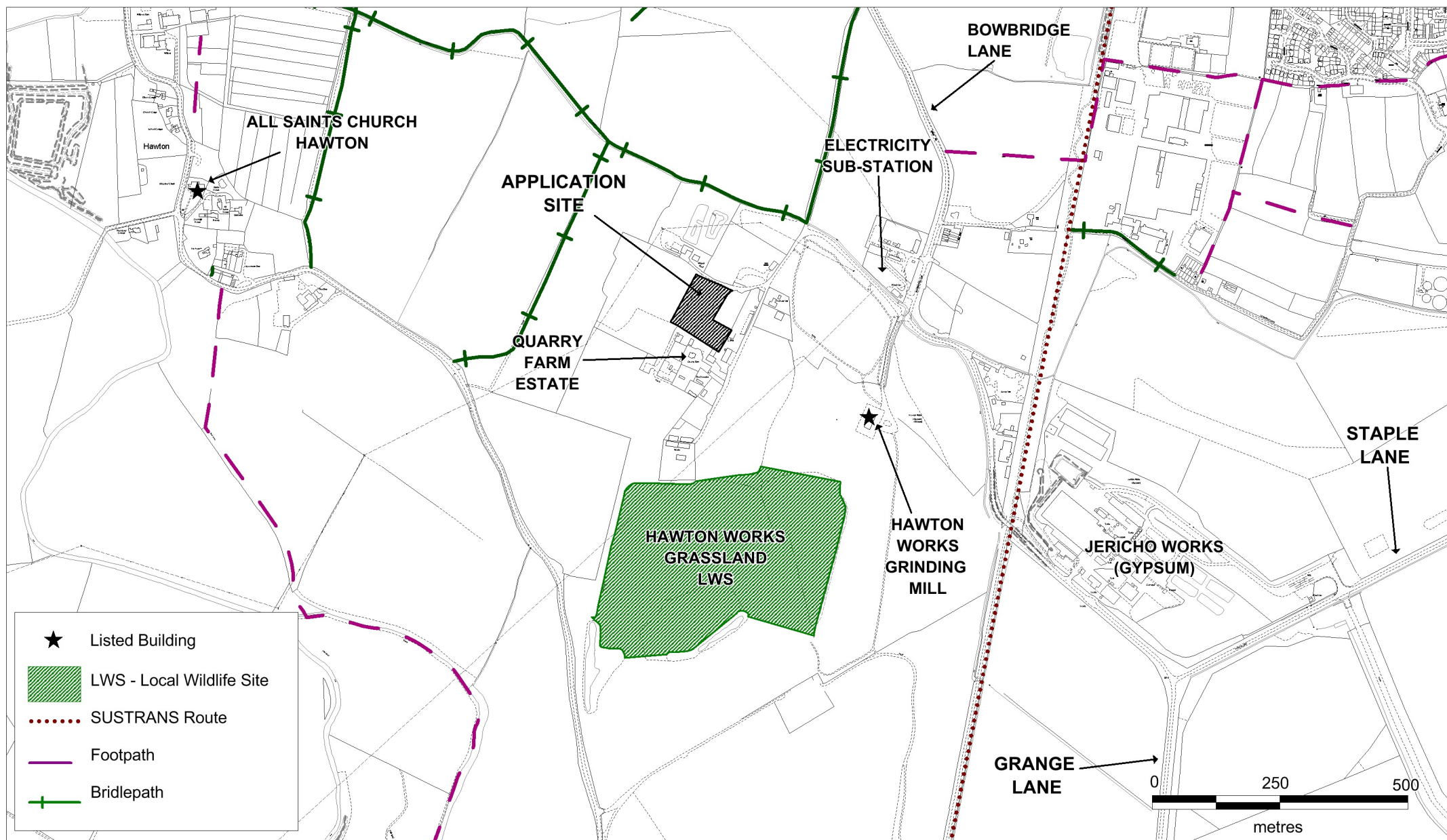
PLAN 1



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 6. EXISTING ROAD LEVELS AND DRAINAGE INVERT LEVELS SHALL BE CHECKED PRIOR TO CONSTRUCTION COMMENCEMENT. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER.
 7. THE LOCATION AND DEPTHS OF ALL EXISTING SERVICE APPARATUS SHOULD BE CONFIRMED WITH THE SERVICE AUTHORITIES PRIOR TO ANY EXCAVATION WORKS TAKING PLACE.
 8. A REDUCTION IN DESIGN SPEED FROM 50mph TO 40mph WOULD ENABLE THE BENEFITS OF REDUCED RADI.
 9. PROPOSED HIGHWAY BOUNDARY ON SLR TO FOLLOW BOTTOM OF EARTHWORKS EMBANKMENT.
 10. STREET LIGHTING TO BE INCLUDED ON SLR AND FROM THE ORANGE LANE/STAPLES LANE ROUNDABOUT TO BRIDGE ROUNDABOUT DURING DETAILED DESIGN.
 11. FIELD ACCESSSES TO BE PROVIDED OFF SLR AND PROPOSED HIGHWAY TO ADJACENT FIELDS.
 12. ACCESS TO MAINTENANCE AREAS TO BE PROVIDED. LOCATION TO BE DETERMINED AT DETAILED DESIGN.
 13. VISIBILITY ON APPROACH TO ROUNDABOUTS TO BE MAINTAINED WITH NO TREE PLANTING.

NO.	DATE	BY	DESCRIPTION	CHK.	APP.
1	15-12-15	PM	PREP. ISSUE		
FOR INFORMATION ONLY					
<p>One Queens Drive Birmingham West Midlands B6 4PU Tel: +44 (0)121 352 4700 Fax: +44 (0)121 352 4701 http://www.wspgroup.com</p>					
CLIENT: CATESSY ESTATES (RESIDENTIAL) LIMITED					
PROJECT: NEWARK FUTURE					
TITLE: SLR GENERAL ARRANGEMENT					
DRAWN BY: 1:5000	DRAWN BY: MWD	SCALE: 1:5000	DATE: December 2014	PROJECT NO:	REVISED:





**Nottinghamshire
County Council**

LOCATION PLAN

Erection of a steel framed building for the use as a materials recycling facility (MRF)
Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark
Planning Application No. 3/14/00614/CMA

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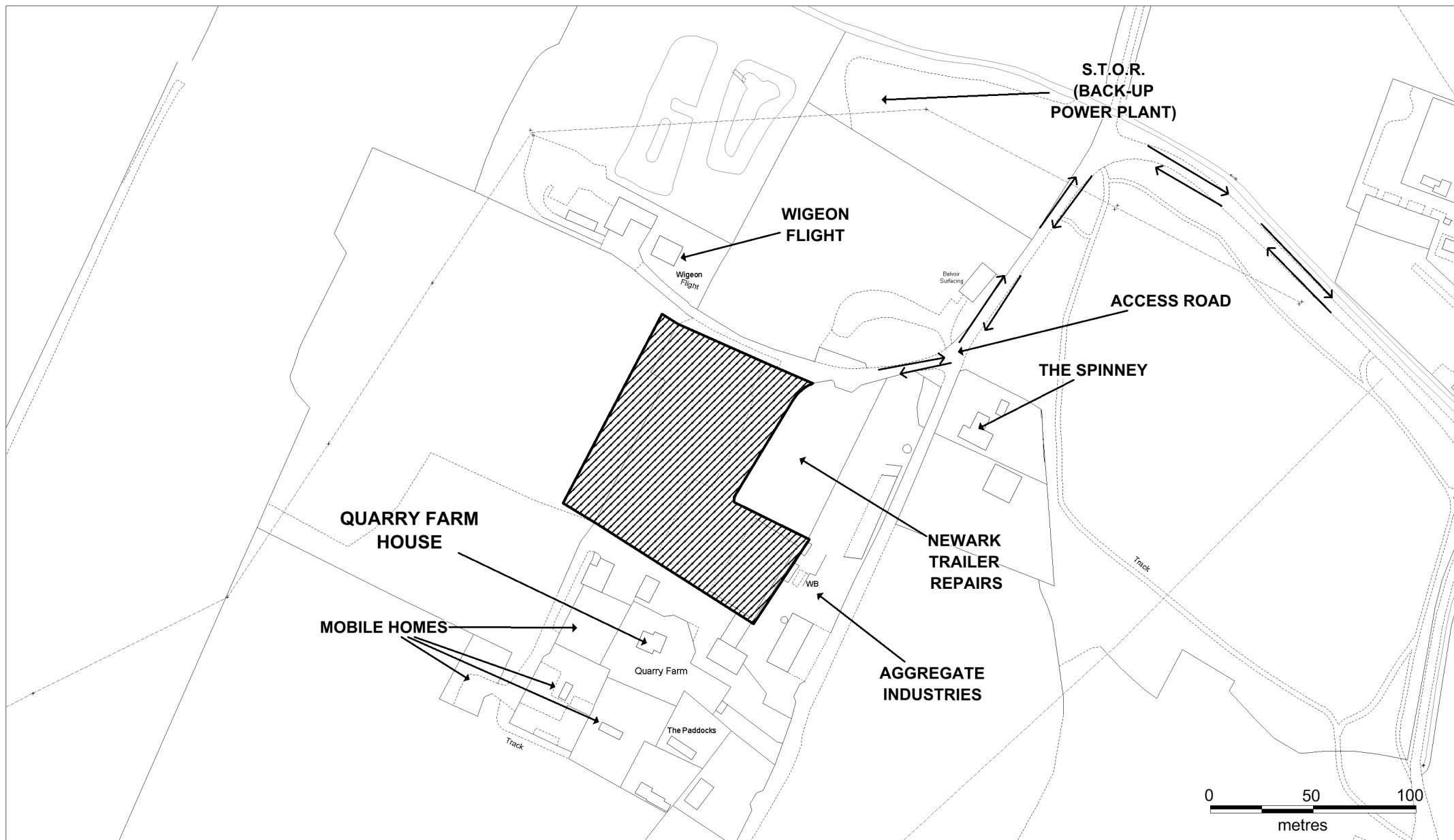


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Date: JUNE 2015

PLAN 3



**Nottinghamshire
County Council**

LOCATION PLAN

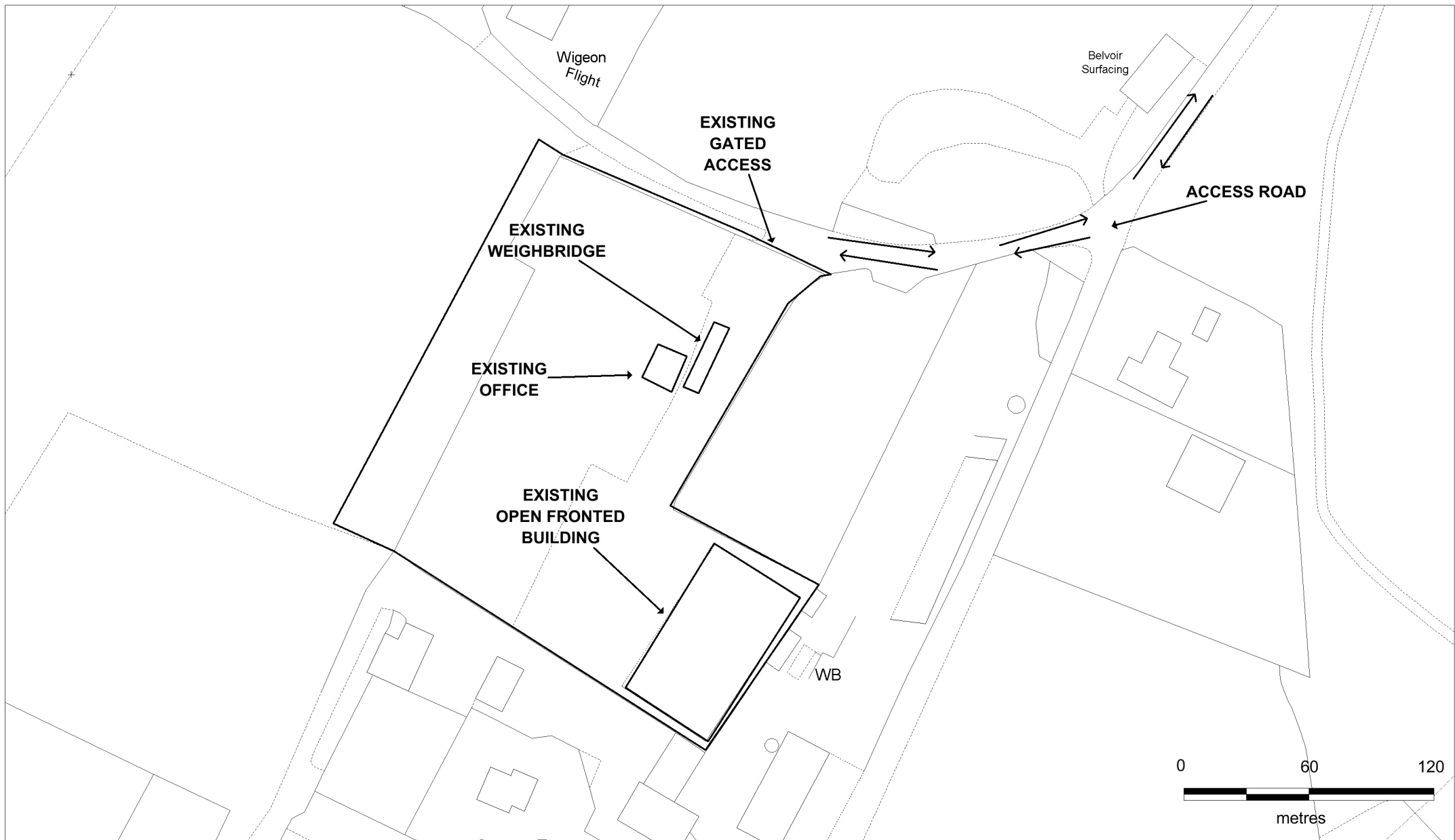
Erection of a steel framed building for the use as a materials recycling facility (MRF)
Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark
Planning Application No. 3/14/00614/CMA

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PLAN 4





**Nottinghamshire
County Council**

NEW SITE PLAN

Erection of a steel framed building for the use as a materials recycling facility (MRF)
 Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark
 Planning Application No. 3/14/00614/CMA

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PLAN 6

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100	PRELIMINARY	05/10/14	CP

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CLIENT:
RWR COMMERCIAL

PROJECT:
WASTE RECYCLING FACILITY, NEWARK

SITE PLAN

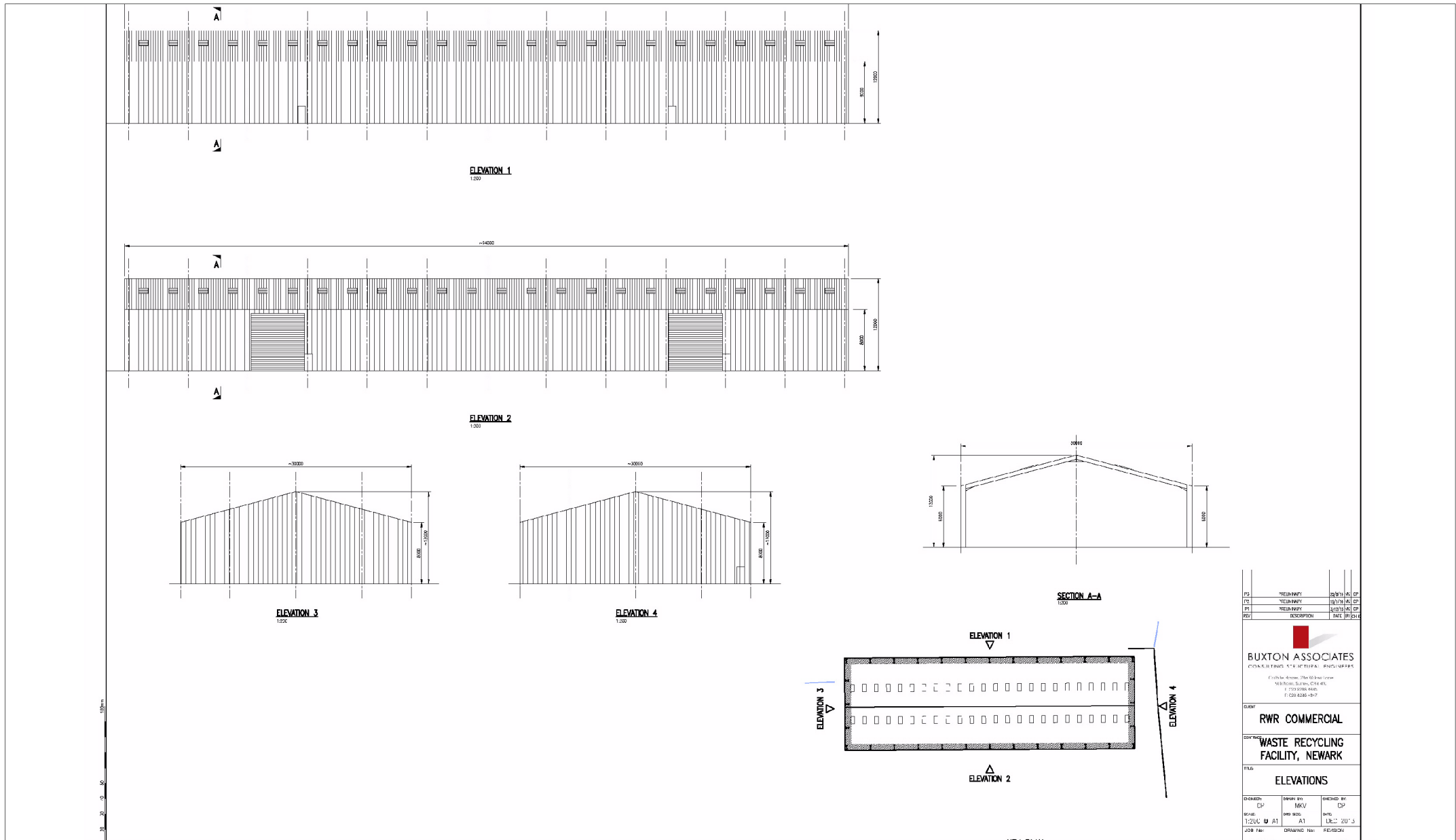
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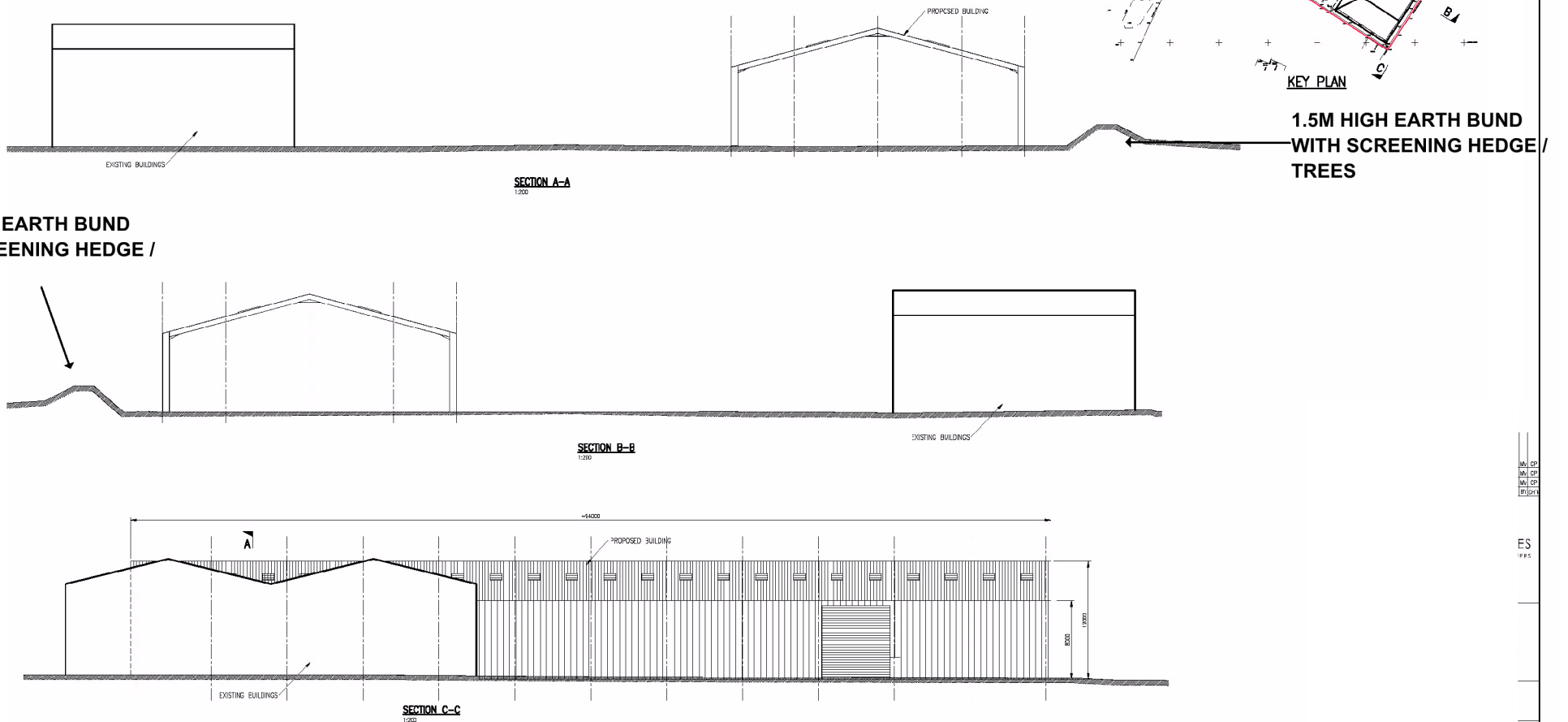
SCALE:
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JOB NO:
 5327

DRAWING NO:
 02

REVISION:
 P5





**Nottinghamshire
County Council**

SECTIONS

Erection of a steel framed building for the use as a materials recycling facility (MRF)
Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark
Planning Application No. 3/14/00614/CMA

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Not to Scale
Produced by: JW
Date: JUNE 2015

PLAN 8

RECOMMENDED PLANNING CONDITIONS

Commencement /notification

1. The development hereby permitted shall be commenced 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 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.

Copy of permission

3. The applicant shall be responsible for ensuring that, from the commencement of the development, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the WPA during normal working hours.

Reason: To ensure the development hereby permitted is carried out in accordance with the approved details.

Approved details

4. 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:
 - a) Planning application forms and certificates, received by the WPA on 24th March 2014.
 - b) Drawing No.5326/SK03 'Location Plan', dated November 2013 and received by the WPA on 7th January 2014.
 - c) Drawing No.5327 02 P6, 'Site Plan', dated 12th March 2015 and received by the WPA on 12th March 2015.
 - d) Drawing No.5327 03 P3, 'Elevations', dated 25th June 2014 and received by the WPA on 31st October 2014.
 - e) Drawing No.5327 04 P3 'Site Sections', dated 25th June 2014 and received by the WPA on 31st October 2014.
 - f) Drawing No.5327 D01 P2, 'Drainage Strategy', dated 25th June 2014 and received by the WPA on 31st October 2014.

- g) Drawing No. 168-P_01, 'Landscape Layout', dated 18th August 2014 and received by the WPA on 31st October 2014.
- h) Planning Statement Rev A, dated November 2014 and received by the WPA on 2nd December 2014.
- i) Assessment of Environmental Noise, by IEC, dated 12th November 2014 and received by the WPA on 12th November 2014.
- j) Assessment of Environmental Dust/Air Quality by IEC, dated 29th November 2013 and received by the WPA on 7th January 2014.
- k) Transport Assessment Rev B by Lanmor Consulting, dated August 2014 and received by the WPA on 14th August 2014.
- l) Extended Phase 1 Habitat Survey, by JP Ecology, dated 10th February 2014 and received by the WPA on 24th March 2014.
- m) Protected Species Survey, by JP Ecology, dated 29th July 2014 and received by the WPA on 29th July 2014.
- n) Phase 1 Desk Study and Phase 2 Site Investigation report by agb Environmental Ltd, dated 13th March 2014 and received by the WPA on 24th March 2014.
- o) Flood Risk Assessment and GroundSure Report received by the WPA on 7th January 2014.
- p) Photographic Survey and Photomontages by AREA, dated August 2014 and received by the WPA on 27th August 2014.
- q) Heritage Impact Assessment by AREA, dated 19th January 2015 and received by the WPA on 19th January 2015.

Reason: For the avoidance of doubt and to define the permission.

Drainage and surfacing

- 5. No development hereby permitted shall take place until final details for the provision of surface and foul water drainage works have been submitted to and approved in writing by the WPA. The foul and surface water drainage works and the impervious concrete surfacing shall be fully implemented in accordance the approved details prior to the first operation of the MRF.

Reason: To ensure satisfactory drainage of the site is provided so to minimise the risk of pollution or flooding in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Ecology

- 6. Operations that involve the removal and destruction of vegetation, including any stripping of grassland, shall not be undertaken during the months of March to August inclusive except with the prior written approval of the WPA which shall only follow the submission of a report to the WPA confirming that the vegetation to be removed has been checked for nesting birds by a suitably qualified ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed following the WPA's approval in writing.

Reason: In the interests of avoiding disturbance to birds, their nests and eggs which are protected by the Wildlife and Countryside Act 1981 (as amended).

Floodlighting

7. Prior to the development commencing full details of the design, specification, positioning and operating periods of any external floodlighting units shall be submitted to the WPA for approval in writing. The information to be submitted shall include details of shielding to minimise light spillage or the likelihood of nuisance to adjoining properties. Only the approved lighting shall thereafter be installed and such lighting shall be maintained in accordance with the approved details. No further external lighting shall be installed without the prior written consent of the WPA. In addition the floodlighting shall only be operated during the permitted hours of operation.

Reason: To protect residential amenity in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1- Waste Core Strategy.

Construction management

8. Prior to the commencement of development, details of the method of working during the construction phase, in the form of an environmental management plan shall be submitted to and approved in writing by the WPA. All construction shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the WPA. The details shall specify the following:
- a) The number, size (including height) and location of all contractors' temporary buildings;
 - b) measures for the control of noise, vibration and dust emissions (including mitigation measures in the event of a complaint);
 - c) a scheme for the treatment of surplus soils stored on site.

Reason: In order to minimise disturbance due to construction operations and in the interest of amenity in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1- Waste Core Strategy.

9. Unless in the event of an emergency when life, limb or property is in danger, no construction work shall be carried out, no deliveries to/from the site, or associated plant operated other than between the following hours:

- § 07.30hrs to 18.00 hrs Monday to Friday;
- § 08.00 hrs to 13.00 hrs Saturdays;
- § There shall be no construction work undertaken on Sundays, Public or Bank Holidays.

Reason: In order to minimise disturbance due to construction operations and in the interest of amenity in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1- Waste Core Strategy.

10. No development shall commence until a method statement detailing the working arrangements for a watching brief for possible contamination has been submitted to and approved in writing by the WPA. During construction works the approved watching brief shall be maintained for the possible presence of asbestos or any other materials with visual and/or odorous signs of contamination. If during construction works any such material is encountered then no further development or disturbance to such materials shall take place until details of how the contamination shall be dealt with has been first agreed in writing by the WPA, including where applicable, the dampening, isolation, stockpiling, testing and removal off site of such materials by suitably licensed contractors.

Reason: To ensure that the site is suitable for its intended use in accordance with paragraph 120 of the National Planning Policy Framework.

Materials

11. Prior to their use on site the final colour(s) of the cladding materials to be used in the construction of the external surfaces of the MRF building hereby permitted shall have been submitted to and approved in writing by the WPA. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of providing a high quality design in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.

Landscaping

12. Within 1 month of the commencement of the development hereby permitted as notified under condition 2 above a scheme for the provision of landscape/screening along the north-western and north-eastern (in part) boundary shall be submitted to the WPA for its approval in writing. The scheme shall broadly accord with that shown on drawing 168-P_01 but shall include:

- a) Details of a 1.5m high landscaped bund along the north-western boundary and verification that the soils to be used in the formation of the bund are suitable for planting and free from contamination;
- b) Planting proposals showing numbers, species, density of planting, positions and sizes of all trees and shrubs to be planted, which shall be of native genetic origin;
- c) A timetable for the implementation of the landscape works;
- d) An ongoing maintenance schedule, following completion of the planting.

The approved landscaping works shall be carried out in accordance with the timetable approved under c) above or as agreed in writing by the WPA and shall thereafter be maintained in accordance with the approved details for the operational life of the development. Any trees or shrubs that die, are removed or, in the opinion of the WPA, become seriously damaged or diseased, shall be replaced in the first available planting season with specimens similar to those originally approved.

Reason: To screen views of the building from the open countryside and to limit harm to the setting of All Saints Church in accordance with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.

Site capacity/throughput

13. The maximum amount of waste material accepted at the site shall not exceed 60,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted at the site including totals of weekly and monthly tonnages and such records shall be provided in writing to the WPA within 7 days of a written request from the WPA.

Reason: To ensure that impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.

Acceptable Waste Materials

14. Only dry recyclable and inert wastes shall be accepted for processing at the site. No putrescible or potentially odorous wastes shall be permitted to be received at the site and deliveries to the site shall be inspected prior to unloading. All unloading activities shall be supervised by the site operator to ensure that only waste which falls into the permitted categories of waste are accepted.

Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Vehicle movements

15. The number of HGVs entering the site shall not exceed 132 vehicles per week. A written record shall be kept by the site operator of the number of waste vehicles entering the site and it shall be made available to the WPA in writing within 7 days of a written request from the WPA.

Reason: To ensure traffic and associated impacts are limited, so not to create an unacceptable disturbance to local communities in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy and Policy W3.14 and W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Controls on storage

16. The existing open fronted building in the south east corner of the site shall only be used for storage associated with the main use of the site as a MRF. No processing shall take place within this building.

Reason: In the interests of residential amenity and to minimise potential over intensive use for the site in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy

17. The storage of waste materials shall be restricted solely to within the MRF building and in the existing open fronted storage building. No external storage of waste is permitted and the parking spaces as marked on drawing No.5327 02 P6, 'Site Plan' shall be kept clear of obstructions and made available for this purpose at all times. In addition materials likely to rise on the wind shall be baled or otherwise appropriately stored within the open fronted building. Any waste materials escaping from these areas shall be promptly captured and returned.

Reason: To ensure there would be no unacceptable amenity or environmental impacts and to provide adequate parking provision in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1- The Waste Core Strategy.

18. 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 shall 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.

Hours of operation

19. Except in case of emergency where life, limb and property are in danger, which shall be notified to the WPA in writing within 48 hours of its occurrence, the site shall not be operated except between the following permitted hours:

07.00 hours to 18.00 hours Mondays to Fridays and

07.00 hours to 13.00 hours Saturdays

No activities shall be carried out on Sundays, Public or Bank Holidays.

Outside of these hours the site shall be closed for the receipt, treatment, movement and transfer of waste and the operation of associated plant and machinery.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

Controls on noise

20. The MRF hereby approved shall not be first brought into operation unless it has been constructed with the following acoustical qualities:

- (i) The building roof and walls shall be insulated to achieve a minimum Sound Reduction Index of $R_w=45\text{dB}$.
- (ii) Ventilation louvres in the roof shall be acoustically attenuated to achieve sound reduction equal to or greater than the data provided in Table 5.3 of the noise assessment report under condition 4(i).
- (iii) Fast acting roller shutter doors for vehicular access shall be acoustically insulated to achieve a minimum Sound Reduction Index $R_w=25\text{dB}$. The doors shall remain shut at all times, other than to allow passage of waste delivery/collection vehicles into/out of the building for loading/unloading.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

21. Prior to the commencement of the development hereby approved design and technical details of the acoustic barriers to be constructed along southern and northern boundaries in the locations shown on drawing No.02 Rev P6 shall be first submitted to the WPA for its written approval. The barriers shall thereafter be installed prior to operations commencing and maintained for the operational life of the development.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

22. Noise levels emitted from the permitted operations, when measured at the nearest residential receptors, shall not exceed the background noise level by more than 10dB ($L_{90} +10\text{dB}$) after the addition of a penalty for tonality/impulsive noise when assessed in accordance with BS4142.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

23. No external processing shall take place and all such processing shall only take place within the MRF building hereby approved. For the avoidance of doubt, no processing is permitted within the existing open fronted building.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and

Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

24. All plant, machinery and vehicles with the exception of delivery/collection vehicles not under the direct control of the applicant used on the site shall incorporate broadband reversing alarms maintained in accordance with the manufacturers' recommendations and specifications. In addition all plant and mobile plant under the operators control shall be fitted with silencers where appropriate and be maintained in accordance with the manufacturers' specifications.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

25. In the event of a noise complaint being received by the WPA which in the considered opinion of the WPA may be justified, the applicant shall within 30 days of a written request from the WPA carry out and submit a BS4142 noise impact assessment for its written approval. Should this assessment demonstrate that noise complaints are justified, additional noise mitigation measures shall be introduced to comply with requirements of condition 22, the details of such and timescales for implementation having been previously agreed in writing by the WPA.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.

Controls on dust

26. All operations hereby permitted shall be carried out in a manner so as to minimise the emission of dust from the site. Such measures shall include, but are not necessarily restricted to, the following:
- The installation of fast acting roller shutter doors to the MRF building, which shall thereafter be maintained in good working order at all times.
 - The regular cleaning and sweeping of external and internal areas.
 - Minimal drop heights when handling materials.
 - The use of water suppression equipment (e.g water bowsers or sprays) on external surfaces and maintenance of such equipment on site together with a ready supply of clean water.
 - Use of wheel and tyre cleaning equipment at the point of vehicles leaving the site.
 - Delivery of appropriate staff training on the use of such equipment and of good practice in site management.
 - The sheeting or enclosure of all vehicles carrying waste either to or from the site with the exception of any compacted baled loads.

In the event that these measures prove inadequate, then within one week of a written request from the WPA additional steps or measures in order to prevent the release of dust emissions from the site shall be submitted to the WPA for its approval in writing by the WPA. The approved scheme shall thereafter be implemented.

Reason: To minimise potential dust affecting nearby residential occupiers and to accord with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Controls on odour

27. Steps shall be taken to prevent the emission of malodours associated with the operation of the development hereby permitted, including but not necessarily restricted to, the following:

- Inspection of loads to ensure no putrescible or potentially odorous waste is received at the site.
- In the event that an incoming load containing any putrescible or potentially odorous waste is deposited then steps shall be taken to immediately remove such waste from the site and if not possible it shall be placed into a sealed airtight storage container/skip. This waste shall thereafter be removed from the site within 48 hours of its delivery.
- The regular throughput of waste
- Use of a dust/odour suppression/misting system installed within the building.
- Appropriate staff training and instructions to maintain high standards of house-keeping and the making of appropriate site checks and keeping of records.
- No waste or other materials on site shall be burnt or otherwise incinerated.

In the event that these measures prove inadequate, then within one week of a written request from the WPA additional steps or measures in order to prevent the release of odours from the site shall be submitted to the WPA for its approval in writing by the WPA. The approved scheme shall thereafter be implemented.

Reason: To minimise potential malodour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Closure of the site

28. In the event that the use of the site for the importation of waste should cease for a period in excess of one month then, within one month of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

Notes to applicant

- (a) The development will, in order to operate, require a new or revised Environmental Permit under the Environmental Permitting Regulations from the Environment Agency.
- (b) Pursuant to condition 5, the surface water drainage scheme shall be designed so to ensure that only unpolluted surface water is discharged to soakaway and it can be demonstrated that it would be capable of controlling discharge rates no greater than existing annual volumes and/or peak run-off rates.
- (c) The schedule of conditions should be read alongside the requirements of the lorry routeing agreement forming part of the Section 106 agreement. All HGVs destined for or originating from the site shall abide by the route set out therein.
- (d) The adjacent paddock/grassland forming part of the application site, if left unmanaged has potential to provide suitable habitat for reptiles, which are protected from intentional killing by the Wildlife and Countryside Act 1981 (as amended). It is therefore recommended that grazing or mowing should continue prior to any site stripping as part of the commencement of the development.
- (e) The comments of the County Council's Nature Conservation Officer indicate that there are opportunities to provide bird and bat boxes on the new building.
- (f) With regards to condition 12 (landscaping) it is advised that the final choice of the woodland planting mix is to be agreed with the WPA. In order that the screening effect of this planting be accelerated, it is recommended that a greater mix of nursery stock including a mix of feathered trees as well as transplants be selected, along with suitable nurse species for oak.

2 June 2015**Agenda Item:10****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****RUSHCLIFFE DISTRICT REF. NO.: 8/15/00050/CMA**

**PROPOSAL: TO VARY CONDITION 1 OF PLANNING PERMISSION 8/13/01494/CMA
TO EXTEND THE USE OF LAND ADJACENT TO THE EXISTING SITE
FOR A FURTHER 6 MONTHS FOR THE TEMPORARY STORAGE OF
RECLAIMED AGGREGATES**

**LOCATION: BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH
ROAD, BUNNY**

APPLICANT: JOHNSONS AGGREGATES AND RECYCLING LIMITED

Purpose of Report

1. To consider a planning application for an extension of time on a temporary use of land for aggregate storage, on land to the immediate north of an existing materials recovery facility (MRF) off Loughborough Road, Bunny; and to continue with a temporary relaxation of working hours on weekdays only, for processing Incinerator Bottom Ash (IBA). The key issues relate to the appropriateness of the development in the Green Belt, visual amenity impacts, dust, noise, odour and traffic impacts, and ecological effects on the Bunny Old Wood Local Wildlife Site (LWS) and Nature Reserve. As the area of land, which is the subject of this planning application, lies within the Green Belt, it has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to conditions, as set out in Appendix 1.

The Site and Surroundings

2. The MRF site lies on the southern side of Nottingham approximately 10.2 km from the city centre, and approximately 11.5 km to the north-east of Loughborough. It is located 0.75 km to the south of the village of Bunny, and is situated on the western side of Loughborough Road (A60), to the south-west of its junction with Gotham Lane, just beyond the former Bunny Brickworks. It is situated within the Nottingham-Derby Green Belt.
3. The nearest residential properties to the site are Woodside Farm, which is situated approximately 100-120m to the east of the proposed temporary extension area and the existing MRF respectively, albeit separated from the site by the A60 (see Plan 1); and Chestnut Farm and Hillside Farm Care Home

approximately 160m to the south-west, beyond the boundary of a former landfill site. Broadly to the north of the site, and beyond the former Bunny Brickworks site, is residential development within Gotham Lane, together with Greenwood Lodge Care Home, which is the nearest sensitive receptor within Gotham Lane, at a distance of 220m from the site. More distant residential development is situated beyond Gotham Lane, within Bunny Village, situated on Main Street, at a distance of approximately 750m to the north of the site.

4. To the west and south, lies the former Bunny Landfill site, now restored to grassland, beyond which lies arable land to the west and south-west, with further agricultural land to the east, beyond the A60.
5. The existing MRF site comprises approximately 1.06 ha. of operational land, and is an established recycling/recovery facility for the crushing and screening of inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA material.
6. The proposed temporary extension area comprises 1.5 hectares of brownfield land directly adjacent to, and adjoining the northern site boundary of the MRF site, and is part of the former Bunny Brickworks site. The temporary site currently comprises large reclaimed aggregate storage mounds, approximately 7 m high, together with the concrete and brick footprints of the former brickworks and associated colonising scrub on the eastern part of the site. The A60 Loughborough Road passes the site to the east, separated from the application site by a mix of acoustic bunding approximately 3m high, hedgerows and tree blocks and lines. The derelict footprints of the brickworks extend to the north, beyond which a wood and field separate the industrial works from residential development on Gotham Lane.
7. There is bunding to the south-eastern boundary of the existing MRF site, providing screening along Bunny Hill. The MRF site is accessed off the A60 Loughborough Road, with access between the existing site and the temporary extension area being gained via an access point situated along the northern boundary to the MRF site, adjacent to the IBA processing building.
8. The MRF site layout comprises two distinct areas, one of which is a dedicated waste transfer area, for the receipt, storage and processing of commercial and industrial waste; and includes a waste transfer building, which is currently used for the indoor storage and processing of IBA. This area occupies the south-eastern part of the site, and is used for commercial and industrial waste operations, including the storage and processing of IBA. The IBA storage bays occupy the most southerly sector of the south-eastern part of the site, and have an overall footprint of 2,300 sq.m.
9. A separate area for the crushing and screening of construction and demolition waste occupies the western part of the MRF site. It comprises separate stocking areas for raw and processed aggregate, with stockpiles up to 7m in height.
10. There is no fixed plant except in the waste transfer building, which contains a feed hopper and conveyor belt system. Mobile plant includes a mobile crusher, loading shovels, hydraulic grab, stockpile conveyors, and an externally mounted dryer. The MRF site also contains site offices, vehicle parking and a weighbridge.

11. The site is largely screened from view from the nearest receptors by the topography of the land, earth bunds, concrete fences, material stockpiles and mature, dense vegetation, comprising tree belts, hedgerows and mature trees.
12. The nearest designated nature conservation sites are Bunny Works Grassland LWS to the north of the proposed extension site, and Bunny Old Wood LWS and Nature Reserve, which lies approximately 400m to the south-east on the eastern (opposite) side of the A60 (Loughborough Road).

Relevant site history and background

13. As stated, the application site relates to both an existing MRF, which currently operates under a number of planning permissions granted by the County Council, as Waste Planning Authority (WPA), and a temporary extension site made up of 1.5 hectares of brownfield land, which was formerly part of the Bunny Brickworks complex, and at the time of the previous time limiting application benefitted from an extant planning permission granted by Rushcliffe Borough Council, for the former brickworks redevelopment to Class B1 (Business), B2 (General Industrial), and B8 (Warehousing) uses.

Existing MRF site

14. Planning permission (8/94/00164/CMA) was originally granted in September 1994 to the then waste operator Safewaste (UK) Ltd, for a recycling centre on land adjacent to Bunny Brickworks, for the receipt and processing of a range of inert construction and demolition wastes. At the time of the application, the site was being used for the storage of concrete products and as a bus storage area.
15. An annual operational throughput of 100,000 tonnes of inert waste material was established under this planning permission generating up to 80 vehicle movements per day. This was based on an average of 40 vehicles per day, delivering waste to the site and collecting processed material, although controls were never imposed on vehicle numbers or the routing of these vehicles.
16. In December 1996, a further planning permission (Plg. Ref. 8/96/79/CMA) was granted for a change of use of buildings and land in the south-eastern part of the MRF site, to allow for the receipt and processing of non-hazardous commercial and industrial wastes.
17. Under this permission, the hours of operation, which are still in force today, (albeit with a temporary relaxation of working hours for IBA processing) were set at 07:30 hrs to 18:00 hrs Mondays to Fridays, and 07:30 hrs to 13:00 hrs on Saturdays. Within these times, crushing and screening operations were only permitted to take place between 08:00 hrs and 17:00 hrs on weekdays, only.
18. The planning application also proposed an extra 15 vehicles per day entering and exiting the site, in addition to the 40 vehicles per day established under the previous planning application. It is noted that planning conditions covering lorry movements were never attached to either of the planning permissions (Plg. Ref. 8/94/00164/CMA and 8/96/79/CMA).

19. Two further planning permissions (Plg. Ref. 8/00/976/CMA and 8/00/973/CMA) were granted in December 2001 and November 2002 respectively, for the storage of secondary recycled aggregates, and for the storage of skips and wood associated with the recycling operations.
20. A non-material amendment to planning permission 8/96/79/CMA was approved in March 2012 to allow the current operator, Johnsons Aggregates, to install two indoor storage bays, with an overall storage capacity of 1,200 tonnes, within the existing waste transfer building, so as to accommodate the processing of IBA.
21. In March 2013, retrospective planning permission (Plg. Ref. 8/12/01028/CMA) was granted for the erection of IBA storage bays, and change of use of land to extend the commercial and industrial waste transfer/processing area, to accommodate the storage of IBA material.
22. Finally, in February 2014, planning permission (8/13/01494/CMA) was granted to regularise the temporary storage of reclaimed aggregates on land to the immediate north of the MRF site (the land having been used since early 2013); and for a temporary relaxation of working hours to allow for an increase in IBA processing within the main processing building on the MRF site. This sought to vary Conditions 7 and 9 of planning permissions 8/96/79/CMA and 8/94/00164/CMA respectively to extend working hours. Planning permission 8/13/01494/CMA was subject to a suite of planning conditions, including Condition 1 which limited the permission until 1st March 2015.
23. The existing operations previously operated under three main planning permissions, 8/95/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA. On the expiration of any temporary planning permission, existing operations would revert back to being covered by planning permissions 8/94/00164/CMA and 8/96/79/CMA with planning permission 8/12/01028/CMA continuing to cover wider IBA operations within the main MRF site, including throughout the duration of any temporary permission.
24. The existing MRF site also operates under an Environmental Permit issued by the Environment Agency for waste management.
25. Since February 2014, the WPA has received 4 complaints relating to the MRF site. In February 2014, a complaint was received relating to 'petrol-like' odours, which upon investigation were traced to the exhaust fumes on a new dryer installed for IBA processing operations. The dryer was subsequently decommissioned and the issue resolved.
26. A general complaint was received in May 2014 via Bunny Parish Council, relating to odours, dust, noise and operating hours. These issues have been subject to ongoing monitoring by the County Council's Monitoring and Enforcement Officer, and all issues are actively checked at regular site inspections.
27. More recently, in February 2015, a complaint was received regarding noise from HGV movements outside permitted hours, specifically relating to the use of the A60, and singling out Johnsons lorries. Initial investigations revealed that HGV movements were primarily unrelated to the site, however, out of hours movements have been observed and are the subject of ongoing investigation.

The Monitoring and Enforcement Officer observed various vehicles leaving the Bunny site on the mornings of the 5th and 19th of March 2015, on both occasions from as early as 05:45 hours. This has involved a maximum of 10 HGVs. Whilst 100 lorries were observed in an hour, only 8-10 were Johnsons, with 90 per cent not connected to the site. In addition, HGVs were also seen entering the site before the permitted start time. The Monitoring and Enforcement Officer has requested that the applicant confirms how the Company intends to remedy the HGV movements which take place before the permitted start time of 07:30am. The applicant has been informed that this activity has resulted in complaints being made to the County Council, and that the development being carried out, in breach of planning controls, should cease. In the event of further operations being undertaken outside the permitted hours, it may result in enforcement action being initiated without further notice.

28. Following on from recent discussions with the applicant, it is anticipated that a planning application will be received shortly, seeking to regularise this activity.
29. Finally in March 2015, a complaint was made by Rushcliffe Borough Council advising that dust is considered to be an issue and requesting that this be looked into. The Monitoring and Enforcement Officer has written to the applicant to make them aware of this issue and requesting that there is a review of the dust measures and the dust mitigation scheme. It is also advised that the Company looks at dust monitoring on site, with the use of Frisbee gauges or sticky pads, to confirm that dust is being controlled, and if not, to identify the problem and take action to remedy it.
30. On a separate note, Condition 31 of planning permission 8/13/01494/CMA requires retained vegetation and undisturbed ground to be pegged out. This matter has been subject to checks, and the Monitoring and Enforcement Officer has confirmed that the area has been pegged out and has remained undisturbed during the lifetime of this permission. It has recently been suggested that the applicant refreshes the markers.
31. The site has a dust mitigation scheme in place as required under Condition 18 of planning permission 8/13/01494/CMA and whilst inspections of the site only give a 'snapshot' of the adequacy of dust control, dust control measures have been in operation whenever the site has been inspected. No significant dust issues have been identified by the WPA, although on one occasion, on a windy day, dust was observed being blown into the air and off site from the inert storage area, which was not in operation at the time. However, attempts were being made to dampen this down, but the strong wind meant that this was difficult.
32. The substance of any complaints relating to dust, noise, odours and HGVs operating outside permitted hours, remain under investigation and subject to review; and would continue to be subject to ongoing monitoring at subsequent site inspections.

Current operations

IBA Operations

33. IBA recycling operations have now been carried out for approximately three years, at the Bunny MRF. HGVs (articulated tipper lorries) bring in raw material to the site, where it is unloaded onto raw material stockpiles, and left to mature.
34. On receipt into the MRF, the raw IBA is unloaded into the open air storage bay, where it undergoes a cooling, crushing and weathering process.
35. Outdoor operations involve the crushing of the raw IBA, using a loading shovel, to both feed the unprocessed IBA into a hopper and remove processed materials. The initial crushing allows magnets to remove metallic materials (Ferrous and Non-Ferrous metals). A large skip is located at the side of the crusher for the containment of ferrous metals removed by magnet. All metallic materials removed from these operations are then stored on part of the impermeable area within the storage bay. All mobile crushing operations are carried out within the storage bay area.
36. Following the outside storage and partial processing of the raw IBA material, the matured IBA is fed into the in-feed hopper by a front end loader shovel and is then transferred to the waste transfer building, where it is blended with other inert waste to make a secondary aggregate (IBA aggregate).
37. The IBA passes through the various processes within the building, followed by a dryer sited externally, adjacent to the processing building before exiting via conveyors into product bays. A front end loader moves the final graded product to reclaimed aggregate stockpiles.
38. Finally, the end product is tested for quality, under the EA's Regulatory Position Statement, before being stored on an area of hardstanding, prior to dispatch off site. It is this reclaimed aggregate product which is currently being stockpiled on the temporary extension site adjacent to the MRF, awaiting dispatch off site.
39. Processed material leaves the MRF, generally on rigid wheel tipper trucks, having been loaded by front end loaders.

Aggregate and soil recycling operations

40. The MRF also carries out aggregate and soils recycling operations. This involves soils, stone and masonry products being brought to the site to be crushed, sorted and stored, prior to being dispatched to customers as aggregates and soils of different grades.

Former Bunny Brickworks

41. The proposed temporary extension area covers that part of the former Bunny Brickworks which originally comprised built infrastructure (brick kilns and ancillary structures), and served the associated former mineral extraction works (gypsum, clay and marl surface workings) on land to the west.
42. Production ceased in the late 1980s/early 1990s and the buildings were subsequently demolished. The ground conditions comprise brick rubble to a depth of 1.2m over most of the site. The ground had not been disturbed since

then and was at the time of the previous application deemed suitable for the storage of materials reclaimed from the processing of IBA and construction/demolition waste.

43. In 1994, outline planning permission (Plg. Ref. 92/540/OUT) was granted by the Borough Council on a site area of some 8.5 hectares at this location (including what has subsequently become the MRF) for the construction of buildings for Class B1 (business), B2 (general industrial), and B8 (warehousing) uses.
44. Three further planning applications were approved by the Borough Council in 1999 (Plg. Ref. 97/527/OUT), 2005 (Plg. Ref. 05/00390/OUT) and August 2010 (10/00777/EXT) extending the life of the outline planning permission.

Proposed Development

45. The application seeks planning permission to vary Condition 1 of planning permission 8/13/01494/CMA to allow for an extension of time for the temporary storage of reclaimed aggregates on land to the immediate north of the existing recycling facility, whilst works to establish an alternative facility at Stanton, Derbyshire are completed. A temporary relaxation in operational hours covering IBA processing in the main IBA processing building, and associated materials handling would remain in place for the duration of any temporary permission. This would continue to provide an extra 15 hours over the working week, based on a further 3 hours per day, Mondays through to Fridays (excluding Public and Bank holidays), with a daily finish time of 20:00 hours. The relaxation in working hours would be time-limited and would continue to run concurrently with the temporary use on adjacent land for aggregate storage. It would be restricted to processing operations contained inside the main building, together with the use of one loading shovel. There would be no use of the dryer during evening operations.
46. The current application seeks to extend the time limit of the permission for a further 6 months to 31st August 2015. The reclaimed aggregates awaiting dispatch off site would continue to be stored in open stockpiles to a maximum height of 7m, and any potential dust nuisance would be controlled in line with an approved dust mitigation scheme, (albeit one that is currently subject to review) already covering existing operations.
47. No other operations, except for the processing of IBA waste, would take place during the extended evening hours, and all other hours of operation would remain unchanged.
48. There would be no change to the operational hours associated with crushing and screening operations, with these remaining fixed at 08:00 hrs to 17:00 hrs, nor would there be any changes to the hours associated with the acceptance of waste including IBA material into the site, or its dispatch off site, with the hours remaining fixed at 07:30 hrs to 18:00 hrs on weekdays.
49. On reverting back to planning permissions 8/94/00164/CMA and 8/96/79/CMA upon cessation of any temporary planning permission, operating hours would be reinstated to those previously permitted under Conditions 9 and 7 of these two respective planning permissions. This would restrict site operations to between the hours of 07:30 hrs to 18:00 hrs Mondays through to Fridays and

07:30 hrs to 13:00 hrs on Saturdays, with crushing and screening operations restricted to between the hours of 08:00 hrs and 17:00 hrs on weekdays, and 08:30 hrs to 12:30 hrs on Saturdays.

50. The proposals would not result in any increase in annual throughput of materials (100,000 tonnes per annum), nor would there be any changes to existing traffic movements, associated with this planning application.

Consultations

51. **Rushcliffe Borough Council (RBC)** raises no objection to the proposals, subject to the conditions previously attached to 8/13/01494/CMA, and suitable mitigation measures to limit fly ash from the site impacting on the Bunny Nature Reserve. The decision has taken into account Government Guidance, any saved policies of the Rushcliffe Borough Local Plan 1996 and the Rushcliffe Borough Non-Statutory Local Plan 2006.
52. **Environment Agency Midlands Region (EA)** raises no objections to the proposed development from a planning perspective but has made the following comments. If any controlled waste is to be used on site, the applicant will be required to obtain the appropriate waste exemption or environmental permit from the EA.
53. IBA and associated aggregates made with IBA are a controlled waste and therefore subject to duty of care controls (as defined by the Environmental Protection Act). If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. An Informative to this effect would be attached to any decision notice.
54. **Nottinghamshire Wildlife Trust (NWT)** raises objections to the proposals. It is considered that a rigorous assessment of all potential ecological impacts of the proposed development should be undertaken, identifying the direct and indirect impacts of this development on habitats and species. It is noted that whilst the applicant has already stored material on the extension land, there has been no assessment of the ecological impacts of continuing this storage of materials. The land was previously one of natural regeneration on previously developed land (PDL), with grassland and scrub communities, which may have hosted breeding and foraging birds, reptiles and invertebrates. The habitat may potentially qualify as a BAP/Sn41 Habitat, 'Open Mosaic Habitat On PDL', but without more relevant information, on what has been left undamaged on site after the current storage activity, it is not possible to identify what further impacts, or not, there may be.
55. In particular, the impacts of dust and noise disturbance should be looked at in relation to sensitive habitats, including the prevention of dust deposition and the impact of noise on breeding birds or other sensitive fauna in the surrounding area, where suitable habitats (trees, scrub, grassland) exist, for a wide range of species. It is noted that the Noise Report does not consider noise impact on breeding birds or other sensitive fauna. There are anecdotal reports from NWT's Reserve Wardens at Bunny Wood of dust and odours in the wood emanating from the application site. Therefore, concerns remain regarding the potential impacts of dust deposition on Bunny Wood LWS and

Nature Reserve, and other surrounding habitats. It is reiterated that IBA can be damaging to habitats on which it is deposited, and as an absolute minimum the applicant should be required to undertake air quality monitoring, including recording and sampling of dust deposition on the Bunny Wood Nature Reserve.

56. **NCC (Nature Conservation)** raises no objection to the proposal and is of the view that it would have no significant ecological impact.
57. **NCC (Planning Policy)** raises no waste policy objections to the proposal subject to other environmental considerations being acceptable. In planning policy terms the application must be considered in light of the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW). In line with paragraphs 215 and 216 of the NPPF, due weight and consideration should also be given to the saved policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP) and the strategic policies of the adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS).
58. *In terms of national policy, the main driver of the NPPF is that of sustainable development, whereby proposals that accord with the development plan should be approved without delay, or where the local policy is absent, silent or out-of-date, permission should be granted subject to the policies of the NPPF, and subject to adverse impacts not outweighing the benefits. The NPPW introduces the concept of the waste hierarchy, whereby waste management should be planned to move waste as far up the waste hierarchy as possible (something this proposal would be in compliance with as a recycling operation).*
59. *In light of the criteria in the NPPF with regard to the application of weight to local policy documents, it is considered that the saved environmental protection policies in Chapter 3 of the WLP and the strategic policies in the emerging WCS are relevant in this case.*
60. *It is noted that the application site is part of an area of previously developed land (former Bunny Brickworks) within the Green Belt. NPPF policy (Para. 89) highlights the fact that built development will normally be inappropriate within the Green Belt but may be acceptable where this involves the partial, or complete, redevelopment of previously developed land and where this would not have any greater impact than the previous development. In this respect, Rushcliffe Borough Council has granted planning permission for light industrial and storage/distribution uses on the whole of the former brickworks site. Policy WCS4 of the WCS similarly restricts built waste management facilities within the Green Belt unless they can demonstrate 'very special circumstances'.*
61. *However, in policy terms the Planning Policy Team is satisfied that this proposal, although linked to an existing recycling operation, would not constitute built development as it is for the temporary stockpiling of material and does not involve any additional hardstanding or built structures. Subject to detailed landscape comments, the temporary nature of the stockpiles, and absence of any built development, means that there is unlikely to be any additional impact upon the openness of the Green Belt.*

62. *Policy WCS7 of the WCS directs aggregates recycling facilities to existing or proposed employment land.*
63. *The proposal must meet a series of environmental considerations and particular attention is drawn to Saved Policies W3.4 regarding visual impact and W3.9 regarding noise impact. Two further policies provide support for the proposals, Policy WCS2 of the WCS gives first priority to the development of new or extended recycling facilities and Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve waste management methods, and/or reduce existing environmental impacts.*
64. **NCC (Landscape and Reclamation)** *raises no objection to the proposals and in view of the limited visual impact of the development, it is considered that an extension of 6 months does not merit mitigative planting works. Previous observations made with regards to planning permission 8/13/01494/CMA concerning the landscape and visual impact of the development still holds. This made reference to the fact that due to existing land-use and vegetation/landform, the proposed development would have a minor impact on the landscape character of the area and limited visual impact for nearby receptors.*
65. *The short term nature of the proposals means that any mitigative measures involving additional screen planting would be irrelevant, and visual impact without mitigation is considered acceptable.*
66. *The Landscape and Reclamation Team support the application based on the transient nature of the proposals.*
67. **NCC (Highways) Rushcliffe** *raises no objection to the proposals and has confirmed that they are unaware of any highway safety problems caused by the existing permission and observes that no new alterations are proposed to the highway.*
68. **NCC Noise Engineer** *raises no objections and is satisfied with the extension to the time limit of working hours at the Bunny site until the end of August 2015 provided all existing planning conditions are carried forward.*
69. **Bunny Parish Council, National Grid (Gas), Severn Trent Water, Western Power and NCC (Countryside Access)** *have made no response. Any consultation responses received will be reported orally at Committee.*

Publicity

70. The application has been publicised by means of a site notice, press notice and twenty-four neighbour notification letters have been sent to the nearest occupiers in Bunny Hill, Gotham Lane, and Loughborough Road, Bunny, inclusive of Hillside Farm Care Home, Bunny Hill, and Greenwood Lodge Care Home, Gotham Lane, together with two further letters to Nos. 14 Fleming Gardens, Clifton and 44 Burton Walk, East Leake, in accordance with the County Council's adopted Statement of Community Involvement Review. Five letters of representation from five separate households have been received raising objections on the following grounds:

- (a) Increased traffic impacts, and whilst not implying that Johnsons are solely responsible for current levels, there is opposition to any development that would increase traffic along Gotham Lane. As a compromise, Gotham Lane should have a 'no drive zone' between the hours of 8pm and 8am to allow residents, particularly children, to sleep at night;
- (b) Health and safety impacts, with a lack of speed restrictions and high volume of traffic placing younger children at risk. Interventions are required to reduce speed/volume of traffic rather than doubling the current load that this proposal would bring;
- (c) Noise impacts, with noise pollution both day and night at unacceptable levels;
- (d) Increased odour impacts, (described as a 'malodour'), and any further deterioration in air quality is a concern;
- (e) Detrimental health impacts, on visitors to the Bunny Old Wood LWS, and particularly to very young children living along Gotham Lane, (five of whom are under 4 years of age and suffer a range of complaints, including asthma, chest infections and allergies);
- (f) Amenity impacts on the local community;
- (g) Visual amenity impacts, with the site being clearly visible from a public bridleway through Bunny Old Wood Nature Reserve, as well as from a nearby public footpath in the Silver Seal Mine area, from the A60, Gotham Lane and even Keyworth several miles away. An 'immense visual eyesore' in this part of the Nottingham Greenbelt;
- (h) Detrimental ecological impact on Bunny Old Wood LWS from the continual deposition of very fine particles of IBA;
- (i) Increased light pollution from the extended use of existing floodlights and security lighting into the evenings;
- (j) Increased impacts of ash dust/airborne particles including clouds of particle laden steam, with loss of local air quality caused by the processing of 'giant heaps' of IBA material;
- (k) The 'temporary' element to the storage is disputed, given the quantity of material on site, with concern that this could become a permanent use;
- (l) It is unclear if the land being used for 'temporary' storage of these 'vast heaps' of IBA actually conforms with the site boundary shown in red.

71. Councillor Reg Adair has been notified of the planning application.

72. The issues raised above are considered in the Observation Section of the report.

Observations

73. The application has been submitted by the current operators, Johnsons Aggregates, a leading recycler of IBA material in the East Midlands, to establish a more realistic timeframe in which to clear the extension site of recycled aggregates, including secondary IBA aggregates. This is directly attributable to a second facility at Stanton, Derbyshire, not coming on stream as anticipated. A need has subsequently arisen to retain the additional storage capacity on adjoining brownfield land to the north of the MRF site for a further six months to allow the Stanton Works to become fully operational and give a more realistic timeframe in which to remove stockpiled aggregates from the Bunny site.
74. In January 2014 planning permission (planning reference CW8/0413/17) was granted by Derbyshire County Council for the Stanton Works subject to planning conditions and a Section 106 Agreement, with planning permission finally being issued on 22nd May 2014 for an IBA processing and aggregates/soils recycling facility.
75. Delays in drafting the Section 106 Agreement coupled with works required to comply with pre-commencement planning conditions have built in lengthy delays in bringing the Stanton Works on stream, with a projected commencement date of June 2015, when it is anticipated that the plant will become fully operational. At the time of the previous temporary application (planning ref. 8/13/01494/CMA), for reclaimed aggregates storage, it was indicated that if permission were granted for a second facility, part of the materials currently being processed at the Bunny facility would in future be processed at the Stanton Works, preventing a re-occurrence of the overstocking of IBA aggregates currently being experienced at the Bunny site.
76. In terms of assessing the proposals under consideration in this report, it is considered that the main issues relate to the principle of extending the time limit for the recycling facility in the Greenbelt, the impacts of the development on the visual amenity and character of the open Greenbelt, and impacts on the residential amenities of neighbouring properties with regards to the potential for dust, odour, noise and traffic impacts from the extended operations; together with ecological impacts on the Bunny Old Wood LWS and Nature Reserve.
77. Reference is now made to those material considerations relevant to the determination of this planning application.

Planning Policy considerations

78. In national planning policy terms, the proposed development is given due consideration in light of the NPPF and the NPPW, which provides national guidance for waste planning matters.
79. The NPPF sets out the overarching principle of sustainable development, which is a core policy objection, with reference being made to development that helps to *'improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'*. The NPPW sets out the concept of the waste hierarchy, whereby waste management should be planned, so as to move waste as far up the waste hierarchy, as possible. The proposal would

be in compliance with these principles, as a recycling operation, and one which seeks to maintain the site's extra capacity to beneficially manage IBA waste until the Stanton Works come on stream shortly.

80. The NPPF sets out the national policy approach towards development, and whilst it does not specifically make reference to waste, which continues to be covered by a separate waste policy document in the recently updated NPPW, it does set out guidance as to the degree of weight that should be afforded local plans since its publication. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies are to the Framework, the greater the weight that may be given)'.
81. In line with this advice, due weight and consideration is now given to the saved policies of the adopted WLP and the strategic policies of the adopted WCS. Also of relevance are the statutory policies that form part of the Development Plan for Rushcliffe consisting of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) (RLP) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). The Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (NSRLP) remains a material consideration, with due consideration be given to those policies, which are consistent with or amplify the aims and objectives of the Framework.
82. Whilst the recently adopted WCS (Adopted December 2013) replaces many of the existing saved waste policies contained in the WLP, the majority of the environmental protection policies will remain in force until they can be replaced by a separate site specific and development management policy documents.

Local Waste Policy considerations

83. Planning applications should be decided in accordance with the Development Plan as referenced in paragraphs 81 and 82 above, unless material considerations indicate otherwise, and this provides the key policies against which the application should be assessed.
84. Policies WCS3 and WCS8 of the WCS set out the policy approach towards developing recycling facilities. Policy WCS3 prioritises the development of new or extended waste recycling facilities, and Policy WCS8 provides an overarching supporting policy for the extension of existing waste management facilities, where it would increase capacity or improve existing waste management methods.
85. Both of these policies provide support for the principle of the proposed development provided it can be demonstrated that the proposals would not create any unacceptable environmental impacts. Key to the acceptability of this proposal, in terms of environmental impacts, is its compliance with Green Belt policy, and the significance of any associated visual impacts, together with potential dust, noise, odour and ecological impact on the nearest sensitive receptors.

Green Belt Policy considerations

86. There are implications in terms of Green Belt policy, for that part of the proposals relating to the temporary extension site on land to the north of the MRF, for the stocking of reclaimed aggregates. Central Government guidance on National Green Belt Policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF. Locally, Green Belt policy is set out under Policy EN14 of the NSRLP.
87. The NSRLP Proposals Map incorporates land use designations within the Rushcliffe area. It identifies the application site as being located within the Green Belt and therefore not identified for development. NSRLP Policy EN14 states that *'within the Green Belt as defined on the Proposals Map planning permission will only be granted for appropriate development for the following purposes:*
- (a) Agriculture and forestry;*
 - (b) For other uses which preserve the openness of the Green Belt, including essential facilities for outdoor sport and recreation and for cemeteries;*
 - (c) Alteration and limited extension or replacement of existing dwellings;*
 - (d) Limited residential infilling in existing settlements within the Green Belt'.*
88. Under the criteria set out under Policy EN14, the extension of a waste recycling facility, in this case for the stocking of reclaimed aggregates, albeit on a temporary basis, is not identified as being 'appropriate development' within the Green Belt. In the context of NSRLP Green Belt policy, the development must therefore be considered as 'inappropriate development', and as such, the proposal has been treated as a 'departure' from the Development Plan.
89. Direction is given under Section 38(6) of the Planning and Compulsory Purchase Act 2004, that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise.
90. Reference is now made to those material considerations considered relevant to the determination of this planning application, including Central Government policy as set out in the NPPF; national waste policy established under the NPPW and the fact that the planning application relates to a temporary extension to an established MRF site within the Green Belt, on land that is allocated for employment use, under Saved Policy E7 of the 1996 RLP.
91. The policy framework established under the NPPF seeks to ensure that urban sprawl is prevented, with the aim of preserving the openness and the permanence of the Green Belt. There is a general presumption against 'inappropriate development' in the Green Belt, and that such development should not be approved, except in 'very special circumstances'.
92. Paragraphs 89 to 90 of the NPPF establish a similar approach to the NSRLP in terms of listing appropriate forms of development in the Green Belt. As the proposed development does not fall within the categories of 'appropriate development' as defined in the NPPF, it is therefore deemed to be 'inappropriate development' in the Green Belt.
93. 'Inappropriate development' is deemed by definition as being harmful to the Green Belt. The NPPW indicates that waste development in the Green Belt in

most cases is 'inappropriate development' and should be assessed on this basis.

94. Where waste management development proposals in the Green Belt would result in 'inappropriate development' in terms of the NPPF, any wider benefits of the scheme may contribute to the 'very special circumstances' required by the Framework for the development to be granted planning permission. Therefore, it is necessary to determine whether or not this consideration provides Green Belt policy support for this proposal.
95. In accordance with this, there are a number of criteria that would suggest that there is a case to be made under the 'very special circumstances' test. With regards to the principle of extending the recycling facility in the Green Belt, the proposed extension area, whilst being washed over by Green Belt policy, is part of a wider allocated employment site (former Bunny Bricks) and has a previous extant planning permission for buildings associated with B1, B2 and/or B8 uses. Whilst the proposed use is not specifically listed under Policy EN14 of the NSRLP, nor under the NPPF listing, as being appropriate development in the Green Belt, the proposal nevertheless relates to a six month extension of time for a change of use of an area of brownfield land for the temporary storage of reclaimed aggregates in connection with an existing recycling operation to the immediate south. In this instance, it is considered that there are special circumstances for allowing such development in the Green Belt. It is considered that the previously established use of the land for light industrial/general industrial/storage uses, the short duration of time of the development, and the fact that the temporary use of land for open storage is not out of keeping with the established use on the site, and is also associated with an existing recycling operation, provides the 'very special circumstances' which justifies allowing 'inappropriate development' in the Green Belt.
96. Added to this, there is support for the proposal, in terms of WCS Policy WCS7, which directs aggregate recycling facilities to existing or proposed employment land, and which can be given some weight, when assessing the proposal under the 'very special circumstances' test.
97. It has been demonstrated that the proposal could meet the NPPF Green Belt Policy, under the 'very special circumstances' test provided no harm is caused to the open character of the Green Belt by the aggregate stocking, and the purposes of including that land in the Green Belt, as considered below, and subject to there being no unacceptable environmental impacts.
98. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer Green Belt departure planning applications to the Secretary of State. Since the planning application is for temporary, comparatively insubstantial development within the Green Belt which does not trigger the thresholds for referral set out within paragraph 4 of this Circular, there is not a requirement to refer this application to the Secretary of State should Committee be minded to approve it.

Impact on the open character of the Green Belt

99. 'Inappropriate development' can be acceptable where it can be demonstrated that the proposed development would have no greater impact on the open

character of the Green Belt, or the purposes of including the land in it, than the existing development. The NPPF places significant weight on 'inappropriate development', if permitted, maintaining openness and not conflicting with the purposes of including land in the Green Belt.

100. The purposes of including land in the Green Belt are:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

101. The extension site is presently part of an area of previously developed land (former Bunny Brickworks), and is set back from the public highway (Loughborough Road), at a relative distance from the nearest residential development. Any attendant visual amenity impacts would mainly be confined to more distant users of the surrounding land, most notably those using Bunny Old Wood for recreational purposes, and residential properties towards the western end of Gotham Lane. However, views towards the site from any sensitive receptors would be substantially mitigated by existing vegetation, the topography of the land, and the industrial character of the adjacent recycling operations.

102. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Saved Policy W3.4 seeks to secure both the retention and protection of existing features which have value in terms of screening, and the appropriate use of screening and landscape to minimise visual impacts, including earth mounding, fence, and/or tree and shrub planting.

103. In the context of WLP Saved Policy W3.3, the development's proximity to an existing recycling operation with a substantial waste transfer building and associated ancillary development, including mobile/fixed plant and stockpiles of raw and reclaimed aggregates, give it the appearance of being part of an existing operational site. It is considered that it would, to some extent, appear visually integrated into its setting, when viewed against the backdrop of the existing MRF. It is noted that the stockpiles of reclaimed aggregates comprise relatively low level development when compared to much of the existing operational plant, thereby minimising visual impact.

104. Policy WCS4 of the WCS restricts built waste management facilities in the Green Belt unless they can demonstrate 'very special circumstances'. Although linked to an existing recycling operation, the proposal would not constitute built development as it is for temporary stockpiling of material and does not involve any additional hard-standing or built structures. The temporary nature of the stockpiles and absence of any built development,

together with the short duration of the time extension being sought means that there is unlikely to be any additional impact upon the openness of the Green Belt. The County Council's Waste Policy Team is satisfied that in policy terms this proposal does not constitute built development.

105. The existing reclaimed aggregate stockpiles, when controlled at appropriate heights are no higher than existing landscape features, which predominantly consists of mature hedgerows and hedgerow trees, and blocks of woodland. It is considered that, subject to continuing restrictions on the height of the stockpiles, and given the adequate screening from bunding and existing vegetation, and the industrial backdrop, the development would not unacceptably harm the open character of the Green Belt. Planning conditions would ensure that storage heights continue to be limited to 7m in height, thus ensuring that these activities do not become visually intrusive. Subject to these planning conditions, the development satisfies the requirements of WLP Policy W3.3.
106. Due to the vegetation and landform, and given that the land in the immediate vicinity is in industrial use, the continuing temporary use of the extension site for open storage would not significantly impact on the landscape character of the area, and would have limited visual impact for the nearest sensitive receptors. As such, the proposal accords with WLP Saved Policies W3.3 and W3.4.
107. Overall, when set in the context of the existing works, associated plant and storage mounds, and filtered by vegetation, any views from medium and longer distances would not be significantly impacted upon. The development would not impact significantly on the openness of the Green Belt, given the transient nature of the proposals, the limited impact on the landscape and the absence of any built development.
108. It is noted that the Borough Council has not objected to the development on Green Belt grounds and the development does not give rise to any adverse impact on surrounding areas. Furthermore, the County Council's Landscape Officer has indicated that there are no environmental impacts in landscape and visual impact terms, and that the short term transient nature of the proposal means that any mitigative measures involving additional screen planting would be irrelevant, and visual impact without mitigation is considered acceptable.

Visual amenity impact of development

109. In terms of residential amenity impacts, it is considered that the nearest residential development would have only distant views of the site, or else be substantially screened from the proposed development by virtue of existing mature vegetation and bunding. The extension site is contained within a wider brownfield site, adjacent to an existing operational waste facility, and is relatively distant to the nearest residential property, Woodside Farm (100m).
110. An existing woodland block together with the A60 ensures that any storage mounds occupying the extension site, would be well screened from Woodside Farm, and no visual impact is anticipated at this property. Similarly, existing woodland mitigates views to the north of the site, providing substantial screening of the development from residential property along Gotham Lane.

The only exception to this would be those properties situated at the western end of Gotham Lane, which may be afforded some views of the development.

111. In mitigation, whilst the previous planning permission (8/13/01494/CMA) for temporary aggregate storage, did bring operational development closer to these properties, given the more northerly location of the proposed extension site, the views associated with these operational activities have not been significantly different to those already experienced by these properties. Existing views of the established MRF are limited by existing woodland, and visual impacts associated with the proposed development would continue to be insignificant.
112. In terms of other sensitive receptors, any impacts at Hillside Farm, a local care home, would be substantially mitigated by a combination of existing vegetation and the local topography of the land. Views of the aggregate stockpiles would be filtered by existing hedgerows to the fields situated between the site and Hillside Farm. These views are further restricted by the situation of the land as it rises up an escarpment, obscuring views of the extension site from the care home.
113. There is the potential for more distant views of the extension site aggregate stockpiles from the edge of Bunny Old Wood, which is situated at a distance of over 200m south-east of the proposed extension site, on the opposite (eastern) side of the A60. In particular, distant views would be evident from the bridleway edging the northern edge of the Old Wood. However, such views would continue to be acceptably mitigated by existing boundary treatment comprising a mixture of mature vegetation, hedgerows, tree blocks and bunding approximately 3m high to the eastern boundary of the existing site along the A60. Views from the northern edge of Bunny Old Wood would be filtered by existing mature vegetation, and the proposed development would be visually integrated into its setting when viewed against a backdrop of existing industrial elements of the existing MRF. As such, visual amenity impact on users of the Old Wood would be limited, and given the short duration of the time extension being sought, it is not considered that these impacts would be unacceptable.
114. The visual impact of the development is assessed as being low to insignificant. With regards to surrounding sensitive receptors, it is anticipated that there would be no views of the operational works and aggregate stockpiles on the extension site from Woodside Farm. Views to other sensitive receptors, notably property at the western end of Gotham Lane, the residential care home (Hillside Farm) and the edge of Bunny Old Wood LWS, especially the bridleway along its northern edge, are filtered by existing vegetation, the topography of the land, and the fact that the development is set against the industrial elements of the works. As such, the development accords with WLP Saved Policies W3.3 and W3.4 in terms of visual amenity impacts, being substantially mitigated by the existing character of the surrounding landscape and the industrial nature of the site.
115. As stated, WLP Saved Policy W3.4 encourages the use of screening and landscaping around waste developments. Any visual impact associated with the proposals is considered acceptable, and does not require further mitigation given the short term and temporary nature of the proposals. It is considered that no further landscaping is required to the site perimeter. The development

is capable of being acceptably visually integrated into its setting in accordance with Saved Policy W3.4 of the WLP, given the transient nature of the development.

116. Overall, there is sufficient compliance with Green Belt policy under the NPPF's 'very special circumstances' test, to indicate support for the proposal, subject to there being no unacceptable environmental impacts associated with the development.
117. The other potential environmental impacts associated with the proposed development are now considered.

Dust impact

118. Waste operations have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices. Measures include the siting of facilities remote from sensitive receptors, the enclosure of dust generating operations within buildings and enclosed areas, and the use of water to dampen down stockpiles, and processing plant.
119. The proposed operations, involving increased rates of both IBA processing and outdoor stockpiling of reclaimed aggregates on a temporary extension site, have the potential to be a source of dust, particularly under dry and windy conditions, and local concerns have been raised over the potential for fugitive dust leaving the site, from increased operations. This is set against a background of alleged problems with dust from existing IBA recycling operations, to various residential properties within the vicinity and reportedly, at the Bunny Old Wood LWS.
120. The WPA considers that the approved dust mitigation scheme should be adequate to sufficiently control potential dust arising from temporary site operations, provided that the approved measures are appropriately and adequately deployed. However, whilst environmental controls are in place covering dust emissions under an existing permitting regime and an approved dust mitigation strategy, the WPA has requested that the applicant undertakes specific dust monitoring using measures such as frisby gauges or sticky pads to either substantiate or refute allegations of dust nuisance. In respect of this development, planning conditions would seek to ensure that the approved dust mitigation measures continue to cover the temporary extension site, and given the short extension of time being sought it is considered that on balance, the proposed development would be acceptable. Overall it is considered that the proposal is capable of being suitably controlled in accordance WLP saved Policy W3.10. There would therefore be adequate measures in place, to ensure that the proposed increase in IBA processing, and reclaimed aggregate storage, is capable of being suitably controlled, in accordance with WLP Saved Policy W3.10.
121. Within the proposed open storage area there are several potential sources of dust, including vehicles moving in the area, and dust being blown from stockpiles. Effective measures would be taken during drier weather to dampen

down the stockpiles, by use of a bowser fitted with a spray nozzle system, which would be in operation, as and when required.

122. This measure is contained within the approved dust mitigation scheme, and it is anticipated that when implemented, it would adequately control any potential dust emissions associated with the extension site. The dust mitigation strategy indicates that all stockpile surfaces are capable of being dampened down by the dust suppression systems, which would significantly reduce the potential for wind-blown dust during adverse weather conditions. It is stated that the Plant Manager or the Authorised Deputy, continually assesses dust blown emissions, and gives out the necessary instruction, to ensure that the storage area is bowsed when necessary.
123. Whilst the extension site has taken waste operations closer to residential property along Gotham Lane, and Woodside Farm, it is still relatively distant to these properties, and there is bunding and substantial vegetation, including tree blocks and mature hedgerow and tree lines, which substantially shelter the proposed extension site. It is considered that this provides a reasonable attenuation barrier to any fugitive dust emissions from the wider MRF site, including the extension site. It is noted that only processed, reclaimed aggregate is stored on the extension site, and bowsing of stocked material should be sufficient to suppress any fugitive dust emissions in accordance with WLP Saved Policy W3.10.
124. In terms of the extended working hours, and increased IBA processing, it is noted that any processing operations would be contained within a largely enclosed building. The IBA processing building has oscillating rain gun heads mounted at strategic locations along the front of the building. A series of spray nozzles have also been positioned inside the roof of the IBA processing building to reduce dust emissions. These measures would be employed during extended evening working.
125. The only other potential source of dust emissions would be during loading and unloading operations. Loading operations would be contained within the IBA storage bay, involving one loading shovel moving partially processed IBA. The height and structure of the bay walls provides sheltering of these operations from the wind, effectively reducing wind-blown dust emissions. Further mitigation is also provided by a sealed drainage system, whereby water collected in the IBA storage area drains via an engineered channel into a weir system. This involves water stored within the weir being pumped into a storage tank, and being used to feed two oscillating rain gun heads mounted on the concrete bay walls. This dampening down process would further suppress any dust emissions associated with IBA loading operations. The dust suppression system is manually operated by the Plant Manager or Authorised Deputy, and the spray system would be utilised, as and when required, during loading operations, including evening operations.
126. Previous investigations into complaints received by the County Council's Monitoring and Enforcement Officer has indicated that there are suitable controls in place, provided that the dust mitigation systems are both adequately used and correctly implemented. In general, the problems with dust have previously appeared to be occasional occurrences, coinciding with the operator failing to switch on the dust suppression systems. Previous findings have suggested that subject to the appropriate use of the suppression

measures, and controls over stocking heights, fugitive dust impact can be suitably controlled.

127. In terms of dust, the site has various dust suppression measures available and it is considered that operation of these and appropriate management of the site is capable of controlling dust. An appropriate dust suppression system is capable of being implemented throughout all the working areas on site, including on the proposed extension site. This system is used to combat dust emissions from the loading/unloading, transfer of IBA, and its storage, and would continue to be extended to cover the proposals under consideration in this report.
128. In accordance with previous EA recommendations, controls have been placed over the height of stocked material on the extension site, limiting stocking heights to 7m, which is the maximum stocking height permitted elsewhere on the MRF site. On balance, subject to controls over stocking height, and application of the dust mitigation scheme to the extension site, the open storage is not considered inappropriate, given the temporary and transient nature of the use; and the fact that appropriate dust attenuation measures are capable of covering the extension operations. It is considered that subject to their implementation, adequate controls exist to prevent fugitive dust from the extension pad becoming a nuisance, in compliance with WLP Saved Policy W3.10. As such, it is considered that the proposals would not cause any cumulative impact.

Noise impact

129. Saved Policy W3.9 of the WLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
130. Emissions from increased waste processing activities, under consideration in this report, must be free from noise and vibration at levels likely to cause pollution outside the site, and in order to ensure that these conditions are met, the County Council has a specified noise limit for this type of recycling operation, with a criterion of 10dB above background noise level during daytime hours (07:00hrs to 23:00hrs). Planning conditions imposed by the County Council are in place to control noise emissions from existing waste operations, including those temporary activities approved under the previous application (planning ref. 8/13/01494/CMA) and the EA has further controls in place under its permitting regime.
131. In terms of environmental concerns identified in relation to this proposal, at the time of the previous application, the EA identified that there was the potential for an increase in noise levels, through increased activity and extended working hours. However, the EA indicated that any noise impact associated with extended IBA processing, and increased working hours on the Bunny site, was capable of being suitably controlled in line with the regulatory controls established under the environmental permit.

132. The increased activities are covered by Condition 3.4.1 of the permit, and it is considered that these controls are sufficient to ensure that noise and vibration are acceptably controlled at appropriate levels. Indeed, the provisions set out under this particular condition, seek to ensure that activities are free from noise and vibration at levels likely to cause pollution to the surrounding area and nearest residential properties. Should any pollution nuisance arise, the EA has the capability to require the applicant to implement an approved noise and vibration management plan, to redress the situation. Coupled with this, a number of changes have been introduced on site, which has resulted in quieter operations, including using higher specification bearings in plant equipment, and lining the metal chute with plywood.
133. The Pollution Control Authorities have no evidence of recorded complaints relating to noise incidents, and an updated noise assessment report submitted with both the previous and current applications, indicates no additional concerns regarding the application, provided the extended working hours do not exceed 20:00 hrs. It has identified the road noise as the dominant noise source in the area, and highlighted the fact that the site has already implemented changes to reduce noise.
134. The BS4142 assessment, premised on predictive noise impact from the IBA Processing Plant and associated materials handling, at three selected receptors (Greenwood Lodge Care Home, Hillside Farm Care Home and Woodside Farm), as recalculated by the County Council's Noise Engineer at the time of the previous application (planning ref. 8/13/01494/CMA) using actual data readings, indicated that provided extended working hours did not extend beyond 20:00 hrs on weekdays (Mondays to Fridays), operations would meet the County Council's criterion of 10dB above background levels, and the likelihood of complaints from evening working would be no higher than of 'marginal significance' (and probably significantly lower). At that time, subjective observations made by the County Council's Monitoring and Enforcement Officers who attended Hillside Farm, during the operation of the site for evening monitoring, confirmed that the noise was barely audible.
135. Evening IBA recycling operations should not produce an unacceptable noise impact provided hours of working into the evening are not extended beyond 20:00 hrs and no further noise mitigating measures should be required, above and beyond those provisions of the permitting regime. In terms of the extended use of the IBA Processing Plant and associated materials handling, it is predicted that the likelihood of complaints would be no greater than of 'marginal significance' (and probably significantly lower), and would meet the County Council's criterion of 10dB above background levels. As such, it is considered that the proposed evening IBA recycling operations would produce an acceptable noise impact and no further noise attenuation would be required.
136. Nevertheless, planning conditions would remain in place to control operational hours, annual throughput, as well as placing a requirement on the applicant to submit a noise survey to the WPA, in the event of noise from the processing of IBA becoming a nuisance to surrounding sensitive receptors, and a justifiable complaint being received by the WPA. A suitably worded planning condition in line with the Noise Engineer's recommendation at the time of the previous application, would ensure that in the event of any verifiable noise nuisance

arising, the IBA processing is capable of being suitably controlled. This would accord with WLP Saved Policy W3.9.

137. Operational activity associated with the unloading and storage of reclaimed aggregates on the extension site to the north of the MRF, is associated with increased noise levels. It has also taken operations closer to sensitive receptors, in Gotham Lane and Woodside Farm, albeit still relatively distant. However, in mitigation, it is noted that there is a dominant source of road noise in the area, from Loughborough Road (A60) and Gotham Lane, giving relatively high background levels, within the locality. Therefore, given the site's location, in terms of its proximity to the A60, it is not anticipated that the proposed extension of time on the storage use on the extension site would generate any significant or cumulative noise impacts, and the development would continue to comply with the permitted noise criteria.
138. Whilst the temporary ancillary operations and the extension site are not covered by the environmental permit, appropriate planning conditions would ensure that noise levels are suitably controlled. The results of the noise assessment, indicates that there are no issues associated with the operational development on the extension site, and the proposals are capable of according with WLP Saved Policy W3.9.
139. The noise levels generated by the activities associated with the outdoor storage of aggregates on the extension site, would be similar to those generated by existing operational activities. The County Council's Noise Engineer is satisfied that the development would not give rise to any unacceptable change to levels of operational noise, to the nearest sensitive residential receptors, provided the conditions attached to the previous permission (planning ref. 8/13/01494/CMA) are carried forward to any subsequent planning permission.

Odour impact

140. WLP Saved Policy W3.7 seeks to minimise odour emissions from waste management facilities by imposing controls over operations, including sheeting of lorries, restrictions on temporary storage of waste, enclosure of waste reception and storage areas, and the use of contingency measures such as odour masking agents, or removal of malodorous material.
141. Emissions from increased waste processing activities, associated with these proposals, must be free from odour at levels which are likely to cause pollution outside the site. Controls are in place through the permitting regime, and under Condition 3.3.1 of that permit and, in the event that odour incidents are identified, the EA can require the operator to implement an approved odour management plan, so as to minimise any effect off site. Mitigation measures would seek to prevent, or where that is not practicable, to minimise the odour. There are therefore adequate measures in place, to ensure that the proposed increase in IBA processing, and associated aggregate storage, is capable of being suitably controlled, in accordance with WLP Saved Policy W3.7.
142. It is noted that the site has historically recycled inert construction and demolition waste, which is unlikely to generate odour but since importing IBA, a number of complaints have been received, in which the odour is described

as being 'obnoxious', as an unpleasant 'burnt-cement' like odour, and more recently as a 'malodour'.

143. Inspections of the site have been undertaken and it is acknowledged that when stood adjacent to the IBA stockpile there is a detectable odour, although this is not strong, and the smell does not meet the 'obnoxious' description given by complainants. To date, on occasion intermittent odour has been noted off site in Bunny Old Wood LWS, by the County Council's Monitoring and Enforcement Officer, and odour has been detected off site, which at the time was considered to be directly attributable to the volume of unprocessed IBA on the site, and the excessive stockpile heights.
144. It is considered to date that any odours associated with IBA processing are not sufficient to cause an odour nuisance. There is, however, the potential to detect odour off site under certain climatic conditions, and investigations continue to be on-going into this matter. Odour is controlled under the site's permitting regime, and should the County Council determine that there is an identifiable problem, any findings will be brought to the EA's attention, with a request that the Agency takes appropriate action.
145. The EA has in place appropriate pollution control measures, which seek to ensure that odour is suitably controlled, in accordance with WLP Saved Policy W3.7. The WPA considers that there is no benefit to be gained from duplicating the controls over odour, which already exist under the EA's waste permit. This complies with the NPPF, which advises against different regulatory authorities duplicating pollution controls.
146. In terms of cumulative impacts, it is considered that the increase in IBA processing could potentially generate odour, when the partially processed material is loaded and moved into the IBA processing building. However, this has to be balanced against the temporary nature of the relaxation of operations, which is time limited to the end of August 2015.
147. It is considered that there are sufficiently robust controls in place covering waste operations, put in place by an appropriate pollution control authority. It would appear reasonable to assume that any odour emissions associated with the proposals, would be occasional and intermittent, but in the event that an odour nuisance is detected, there is appropriate mitigation in place to ensure that it can be suitably controlled.
148. With regards to the extended stocking area, it is not anticipated that the reclaimed aggregate, (mixed IBA and construction and demolition waste) would be particularly malodorous, being an inert, relatively stable product. It is likely to be the least odorous element of the operational development.
149. It is noted that the pollution and nuisance control authorities and agencies (Environment Agency and Environmental Health Officer) raise no objections over potential odour emissions. Whilst odour incidents have been reported to the EA, these have not been substantiated, and as such there are no objections to extending the use of the land for a further six months for the temporary storage of reclaimed aggregates, or extending the working hours for IBA processing, subject to the permit conditions.

150. Section 11 'Conserving and enhancing the natural environment' Paragraph 117 of the NPPF indicates that local planning authorities, when determining planning applications, should aim to conserve and enhance biodiversity. It states that planning permission should be refused if significant harm resulting from a development cannot be avoided, adequately mitigated, or compensated for.
151. It is recognised that the extension site has the potential to support reptiles and other protected species on the eastern part of the site, where to date, suitable habitat (grassland, and trees/shrubs) remains in situ. Whilst the majority of the proposed extension site is now in active use for storing material, the one exception to this, is an area of partially vegetated ground on the eastern side of the application area, which has been marked out, and the area avoided to the satisfaction of the County Council's Monitoring and Enforcement Officer.
152. The nature conservation bodies and organisations are not fully able to support the proposed development. Whilst the County Council's Nature Conservation Officer is able to support the development, NWT continues to object to the development on grounds that the site's current ecological status, and the ecological impact of using the land for storage, together with the wider impacts of dust deposition and noise disturbance on breeding birds and other sensitive fauna, cannot be ascertained, without more rigorous ecological assessment. There are concerns that the habitat may potentially qualify as BAP open mosaic habitat, given that the land was previously one of natural regeneration on previously developed land. Concerns are also expressed regarding the potential impacts of dust deposition on Bunny Old Wood LWS and Nature Reserve. It is considered that the ecological assessments being sought by NWT are not proportionate to the level of development being proposed, given its short duration (being time limited to the end of August 2015), and the transient nature of the proposals.
153. Contrary to the view taken by the NWT, the County Council's Nature Conservation Officer, is able to support the application, and is of the view that it would have no significant ecological impacts. On balance, given the short term transient nature of the proposals, it is considered reasonable to control any potential environmental impacts through the planning conditions attached to the previous planning permission (planning ref. 8/13/01494/CMA). It is judged acceptable to mitigate any potential impacts on sensitive fauna by way of appropriate conditions, in line with the NPPF.
154. This follows on from the County Council's Monitoring and Enforcement Officers working with the applicant to ensure that the extension site has been accurately pegged out, clearly defining the storage area, and identifying any retained vegetation/undisturbed ground, which could potentially be valuable habitat for sensitive fauna, and require further investigation, in the event that it is to be used for storage. Reviewing the area subject to the planning application, it has been demonstrated that the majority is now in active use, for storing material. The exception to this, is an area of partially vegetated ground on the eastern side of the application area. This area is covered in a mixture of soil and rubble, and supports a sparse covering of vegetation. The applicant advised that the area had been stripped of vegetation in the first half of 2013, and that existing vegetation has regenerated since then. The applicant also confirmed that this area had proven to be too soft to use for

storage, and as such would be unlikely to be used, and therefore would be retained in its current form.

155. Planning conditions would continue to ensure that the use of the area detailed above, is prohibited, unless an ecological survey is undertaken and appropriate mitigation provided. To date, this area has been marked out and maintained throughout the duration of the development; with the County Council's Monitoring and Enforcement Officer recently requesting that the applicant refreshers the markers.
156. The County Council's Monitoring and Enforcement and Nature Conservation Officers were satisfied at the time of the previous application that these proposed mitigation measures, would adequately identify and protect any potential habitat, and provide suitable mitigation measures, including any compensatory measures, in accordance with the direction of the NPPF. The County Council's Nature Conservation Officer was previously able to support the proposals, based on an understanding that planning conditions would prohibit the use of the retained vegetation area. In this respect, planning conditions attached to the previous planning permission (planning ref. 8/13/01494/CMA) would be carried forward to any subsequent decision notice, in accordance with the NPPF.
157. Whilst the NWT has raised the issue of potential noise disturbance to sensitive ecological receptors, most notably breeding birds, at the time of the previous application the County Council's Nature Conservation Officer was satisfied that results provided under the submitted Noise Surveys, demonstrated that any noise impact associated with extending working hours, would be marginal.
158. The indications are that both the modelled and measured noise levels (LA90) do not exceed 55dB, at those nearest residential receptors to the site. In this respect, both Woodside and Hillside Farms are somewhat closer to the site than the closest part of Bunny Old Wood, which is identified as the nearest sensitive ecological receptor. The closest part of Bunny Old Wood is at least a further 100m away from the site than these two properties. This enhanced distance from the site, would give further noise attenuation, in respect of Bunny Old Wood. Furthermore, subjective assessments detailed in the Noise Survey reports indicate that the site is not generally audible above existing background noise levels, which are dominated by the A60.
159. In terms of noise impact, the County Council's Nature Conservation Officer supported using the 55dB threshold, as the level at which noise may adversely affect the breeding behaviour of bird species, which are particularly sensitive to noise, such as the Nightjar and Woodlark. This threshold has been established as being acceptable, in relation to other major proposals, determined by the County Council, and it seems reasonable to use this figure in relation to the proposals under consideration in this report.
160. The County Council's Nature Conservation Officer confirmed at the time of the previous application, that it is unlikely that the proposals would give rise to any significant ecological impact within Bunny Old Wood, as a result of noise. It is considered that the proposed evening IBA operations have been demonstrated to be acceptable, and it is not anticipated that any further noise mitigation measures would be required. As such, it is considered that the proposals are capable of complying with the NPPF.

161. It is considered reasonable to expect that any dust impact is capable of being controlled in line with the existing dust suppression methods. Planning conditions have sought to ensure that where appropriate, the existing dust management measures have been extended to cover the temporary extension site. Suitable dust suppression measures are considered to be in place on the existing established site, both in terms of existing planning controls, and environmental controls established under the EA's permitting regime. However, it is acknowledged that a problem with fly ash deposition on Bunny Old Wood LWS has been alleged and in response to various complaints relating to dust the County Council's Monitoring and Enforcement Officer has requested that the applicant undertakes an element of dust monitoring to clarify matters. If a problem is substantiated then the dust mitigation scheme would need amending to reflect this fact in line with the attached planning conditions.
162. Both the pollution control authorities (Environmental Health and the EA) are satisfied that suitable mitigation measures exist to cover the extended operations, subject to controls over stocking heights on the extension pad, and appropriate dust mitigation measures. Planning conditions would seek to ensure that existing dust mitigation measures continue to cover the extension site, and the extended working. Any fugitive dust emissions are capable of being suitably controlled, in line with the existing dust mitigation scheme, or if necessary with an amended scheme if required.
163. Overall, the proposals to extend the time limit for working operations, both in terms of evening operations and storage on the extension site, are considered capable of being suitably controlled in terms of environmental impact on the local ecology, in accordance with the NPPF.

Highways implications

164. WLP Saved Policy W3.14 states that planning permission will not be granted for waste management facilities where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable disturbance to local communities.
165. A key issue raised by local residents relates to potential traffic impacts associated with the proposals. Specifically, there is concern that increasing rates of IBA recycling would inevitably lead to increases in HGV traffic along Gotham Lane.
166. These concerns would appear to be unfounded given that the proposal does not include any increases in the annual throughput of waste material, including IBA waste, above that already permitted. As such, the proposals should not give rise to any increases in traffic impact. However, it is considered prudent to control lorry movements in line with the HGV records, recorded over the previous twelve months.
167. It is considered reasonable to control lorry movements in line with the actual recorded figures, which reflect the levels at which the MRF site has historically worked to. This equates to an average of 100 two-way lorry movements per day. Access arrangements onto the A60 would remain unchanged, with access to the extension site being via an internal access route from the

existing MRF site. Planning conditions would secure that level of HGV movements in line with those previously secured under planning permission 8/13/01494/CMA.

168. The County Council's Highways Officer is able to support the application, and has highlighted the fact that no highway safety problems have arisen from the existing planning permission (planning ref. 8/13/01494/CMA).
169. The development accords with WLP Saved Policy W3.14, given that there would be no extra lorry movements, above and beyond those already permitted; and given that the existing highway network, which serves the site, has sufficient capacity to accommodate traffic associated with operational activities at the MRF.
170. It is considered that traffic calming methods along Gotham Lane, such as a no drive zone, and speed restrictions are outside the scope of this planning application.

Health impact

171. There is nothing to indicate that there are any health impacts associated with the IBA treatment. The IBA is dealt with as a non-hazardous waste stream. The outdoor storage and processing of IBA material is covered by a bespoke waste permit from the EA, which would ensure that pollution controls are firmly in place. The pollution control authorities (Environmental Health Officer and EA) have not raised any concerns relating to impacts on public health.

Surfacing and drainage

172. Saved Policy W3.5 of the WLP states that planning permission should not be granted for waste management facilities where there is an unacceptable risk of pollution to ground or surface water.
173. It is considered that the existing hard surfacing of the extension site is sufficient to contain the Incinerator Bottom Ash Aggregate (IBAA). Given that this is a stable finished aggregate product, it would not be expected to release polluting contaminants at this stage, and as such, it is not anticipated that the IBAA would pose a risk to local ground or surface water sources, and as such accords with WLP Saved Policy W3.5.

Other issues

174. Other general issues have been raised in relation to the development, which are set out in the following paragraphs.

Lighting

175. Whilst the MRF site is relatively distant to the nearest residential property, it is acknowledged that there is the potential for increases in lighting impact. The proposals would involve extending working hours into the evenings, for a further six months, and the use of external lighting up to 20:00 hrs at night. It is

noted that no extra lighting is being proposed as part of the works, nor is any lighting being proposed on the extension site.

176. Whilst no previous complaints have been received by the County Council in relation to lighting nuisance, it is nevertheless considered appropriate to place a requirement on the applicant, that in the event of light becoming a nuisance to surrounding land users and residential property, triggering a complaint to the WPA, then extra measures would be taken to mitigate these impacts. This might involve measures as simple as cowling to the lights or angling them differently. A suitably worded planning condition would ensure that the site's existing lighting is capable of being suitably controlled in the event of light becoming a localised nuisance to users of the surrounding land, including Bunny Old Wood, and the nearest residential development.
177. It is noted that the pollution and nuisance control authorities and agencies (Environment Agency and Environmental Health Officer (EHO)) raise no objections over potential light pollution. The site is shielded by bunds and other structures with residential property being some distance from the site and consequently there is no direct light spill onto residential development. The Borough Council's EHO has previously confirmed that it would not expect there to be issues with light nuisance.

Site Boundary

178. It is recognised that part of the land being used for temporary storage of reclaimed aggregates is outside the site boundary (shown on Drg. No. MS231-11). As well as being raised under a local neighbour representation, this had previously been identified during a routine site inspection by the County Council's Monitoring and Enforcement Officer, and highlighted with the applicant, who has been working to bring operational development back into the footprint of the site boundary.
179. Given the short duration of the time extension being sought, it is not considered expedient to pursue formal action against the applicant at this time.

Temporary Character of Development

180. The planning application is for a temporary extension of time for both reclaimed aggregate storage on the extension site and working hours for IBA processing, until the Stanton Works are operational. Despite local neighbour concerns, the application does not relate to a permanent development.

Conclusions

181. In conclusion, whilst the development is a 'departure' development in the context of the NSRLP Green Belt policy, material considerations including the NPPF Green Belt policy, which allows for development that meets the 'very special circumstances' test; the temporary nature of the development; and support provided through the NPPW and WLP saved environmental protection policies, argue in favour of extending the use on the extension site for a further six months for the temporary storage of reclaimed aggregates.

182. Whilst the site is located in the Green Belt, giving rise to an issue regarding the 'appropriateness' of the development in policy terms, on balance it is considered that the benefits of the development in terms of supporting existing recycling operations; the established use of the land (former Bunny Brickworks) for light industrial/general industrial/storage uses; the transient nature of the proposals; the fact that the temporary use of land for open storage is not out of keeping with the established use on the site; and a lack of harm to the openness and permanence of the Green Belt, all serve to provide the 'very special circumstances' which justify the proposal.
183. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the WLP and subject to the conditions, previously attached to planning permission 8/13/01494/CMA any adverse environmental/pollution impacts are capable of being controlled. In reaching this conclusion, consideration has been given to WLP Saved Policies W3.3 relating to visual impact, W3.7 relating to odour, W3.9 relating to noise, and W3.10 relating to dust.
184. As an established waste management facility, there is overarching policy support in terms of Policy WCS8 of the WCS, for the continuing temporary relaxation in operating hours, for processing IBA waste. It is considered that the proposals would give rise to no unacceptable environmental impacts, subject to appropriate planning controls; and would deliver benefits, in terms of maintaining the facility's increased capacity to process IBA waste, over the short term until the Stanton Works is operational. Overall, material considerations are sufficient to outweigh the conflict with Policy EN14 of the NSRLP. As such, the proposal can be supported for the temporary period being sought.
185. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Other Options Considered

186. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

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

Crime and Disorder Implications

188. The existing MRF site benefits from perimeter security fencing to restrict unauthorised access, and the extension site would not be accessed from the

public highway, but internally via an access point from the main MRF site. The fact that the extension site is screened from Loughborough Road by bunding, and mature vegetation, offers a degree of protection to the proposed site.

Human Rights Implications

189. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life) and Article 1 of the First Protocol (Protection of Property) may be affected. The proposals have the potential to introduce impacts such as visual amenity, dust, noise and odour impacts upon the nearest residential occupiers, and recreational users of Bunny Old Wood LWS. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as enhancing the MRF's capability to beneficially treat a commercial and industrial waste through recycling rather than disposal to landfill; coupled with the ability to control amenity impacts by way of suitable planning conditions, and the short duration and transient nature of the proposed development. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations Section above in this consideration.

Implications for Sustainability and the Environment

190. The application has been considered against the NPPF, the NPPW, the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable development through recycling operations, which drive waste management up the waste hierarchy addressing waste as a resource and looking to disposal as the last option. In this respect, it would continue to support the capabilities of an existing MRF to beneficially treat waste, by improving recycling rates of IBA material, diverting it away from landfill, and promoting its re-use as a recycled secondary aggregate. In line with the principle of sustainable development, by re-using IBA waste, it also conserves raw materials and reduces the need for primary aggregates. The proposals accord with the principles of sustainable development, and in line with this policy direction, the proposals deliver on core objectives, in terms of enhancing an existing recycling operation.

Human Resources Implications

191. There are no service user, equalities, financial, or safeguarding of children implications.

Statement of Positive and Proactive Engagement

192. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

193. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments – Planning & Licensing Committee is the appropriate body to consider the content of the report. [SLB 19/05/2015]

Comments of the Service Director - Finance [SES 11/05/15]

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

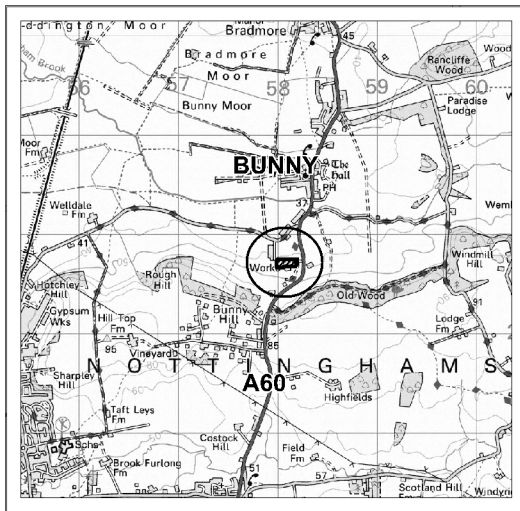
Ruddington

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Deborah Wragg
0115 9932575

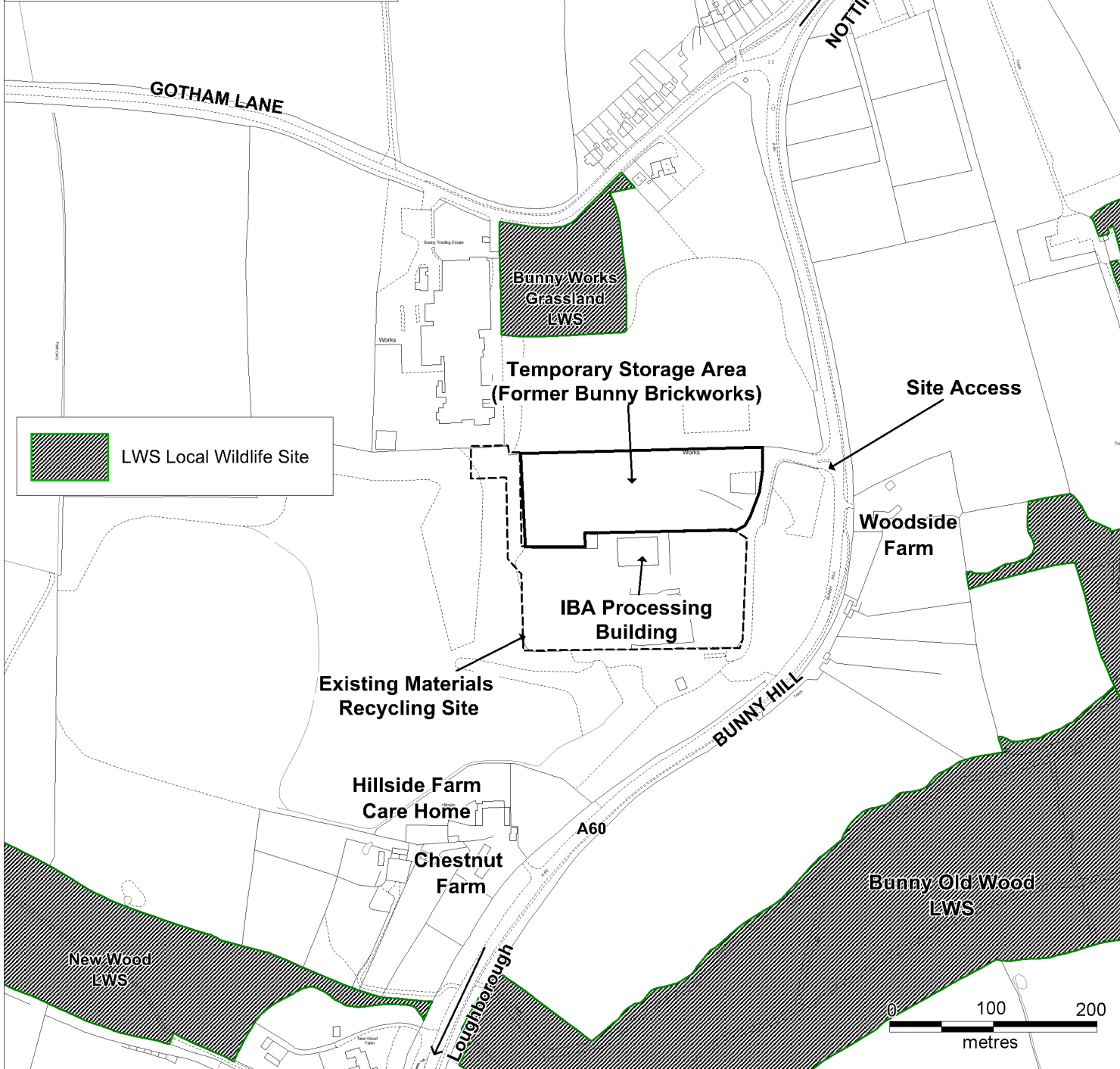
For any enquiries about this report, please contact the report author.

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PLAN 1

Bunny Village



RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. The development hereby permitted is for:
 - (a) The storage of reclaimed aggregates arising from the processing of Incinerator Bottom Ash (IBA) and inert construction and demolition waste at the Bunny materials recycling facility, for a temporary period expiring on 31st August 2015, as shown in red on Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11 received by the Waste Planning Authority (WPA) on 26th November 2014. At the end of this period the use shall cease and the stockpiles of reclaimed aggregates shall be removed from the site and;
 - (b) The processing of IBA waste within the processing building on the Bunny materials recycling site, as shown on land edged in blue on Drawing Reference No. MS231-11 received by the WPA on 26th November 2014 between the hours of 08:00 hrs to 20:00 hrs, on weekdays only (Mondays to Fridays, excluding Bank and Public Holidays) for a temporary period expiring on 31st August 2015.

Reason: To define the development hereby approved and in recognition of the applicant's request that the planning permission only be granted for a temporary duration.

2. During the extended evening hours of IBA processing set out in Condition 1b, the materials handling shall only be carried out by one front end loading shovel and one telehandler, and the only static plant to be operated shall be that located in the left 2 bays of the processing building as viewed from the south. At no times during the extended evening hours shall any other plant or machinery be used including the crusher, screener, picking station and dryer. No other operations or works other than IBA processing within the processing building shall be carried out during the extended evening operations.

Reason: For the avoidance of doubt as to the development hereby approved.

3. The development hereby permitted shall only be carried out in accordance with the submitted application, and in the documents and plans identified below, other than where amendments are made in compliance with other conditions of the permission:
 - (a) Planning application form, received by the WPA on 26th November 2014;
 - (b) Block Plan No. BUNNY05 received by the WPA on 26th November 2014;
 - (c) Site Location Plan No. BUNNY06 received by the WPA on 26th November 2014;

- (d) Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11 received by the WPA on 26th November 2014;
- (e) Plan titled 'Temporary Storage Area Layout' Drawing Reference No. MS231-12 received by the WPA on 26th November 2014;
- (f) Noise Assessment Report, by Acute Acoustics Ltd. Reference 1524 Johnsons – Bunny NIA, dated 26th November 2014, received by the WPA on 26th November 2014, and the Appendix to Report by Acute Acoustics Ltd, dated 28th November 2013, received by the WPA on 29th November 2013;
- (g) Supporting Statement received by the WPA on 7th January 2015.

Reason: To define the permission for the avoidance of doubt.

- 4. The location of the crushing and screening plant for inert construction and demolition waste shall be maintained in the position shown on Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8th July 1996.

Reason: To define the permission for the avoidance of doubt.

- 5. The reclamation, recycling and transfer of materials from industrial and commercial wastes shall only be carried out on the permitted area edged in red on Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8th July 1996, and on land, as shown in hatched red on Drawing No. MS231-2B received by the WPA on 26th November 2012.

Reason: To define the permission for the avoidance of doubt.

- 6. The recycling of inert construction and demolition wastes and soils shall only be carried out on the permitted area edged in red on Drawing No. 3a received by the WPA on 13th May 1994.

Reason: To define the permission for the avoidance of doubt.

- 7. The wood shredder shall be located in the position shown on Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8th July 1996.

Reason: To define the permission for the avoidance of doubt.

Hours of operation

- 8. Except in emergencies to maintain safety of the site (which shall be notified to the WPA in writing within 48 hours of their occurrence), or unless the WPA has agreed otherwise in writing, the site shall only operate between the hours of 07:30 hrs to 20:00 hrs on weekdays and 07:30 hrs to 13:00 hrs on Saturdays. There shall be no working on Sundays, Public or Bank Holidays. Within these times, the site shall only be operated in accordance with the time periods specified below:

Operation	Monday to Friday	Saturday	Sundays, Public & Bank Holidays
Operation of crushing and screening plant; and wood shredding operations	08:00 to 17:00	08:30 to 12:30	Not at all
Waste deliveries, including acceptance of IBA waste and export of processed material; operation of any plant or machinery, and operations which involve the movement of materials	07:30 to 18:00	07:30 to 13:00	Not at all
IBA processing involving the internal use of the IBA processing building (excluding use of the dryer), and the use of 1 Front Loading Shovel and 1 Telehandler for IBA materials handling	08:00 to 20:00	07:30 to 13:00	Not at all

Reason: To safeguard the amenities of local residents in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Access and wheelcleaning

9. All heavy goods vehicles leaving the site shall use the existing wheelwash facility. No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the highway.

Reason: In the interests of highway safety and to accord with Saved Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

10. All on site vehicular movements shall be carried out in accordance with the approved vehicular routing and turning arrangements as shown on Plan Drawing No. SSW/CS15596/04 Revision A, received by the WPA on 26th June 1997, as approved in a letter from the WPA dated 21st November 1997.

Reason: To ensure the satisfactory working of the site.

11. A visibility splay from the access road along the A60, shall be maintained in accordance with the details approved by the WPA in a letter dated 23rd November 1994. A suitable visibility splay shall be maintained to the satisfaction of the WPA at all times.

Reason: In the interests of highway safety.

Environmental controls

12. All vehicles to be used on site in the processing and movement of materials shall be fitted with effective silencers.

Reason: To safeguard the amenities of nearby residents and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).

13. The site shall be kept clean and tidy and steps shall be provided to prevent any litter from the site being deposited on adjacent land.

Reason: To safeguard the amenities of nearby residents and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).

Noise

14. Noise levels associated with site operations, when measured at the northern boundary of Hillside Farm, Loughborough Road, shall not exceed 56dB(A) LA eq 1 hour at any time.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

15. In the event that a complaint is received regarding noise from the processing of the IBA on the site, which the WPA considers may be justified, the operator shall, within one month of a written request from the WPA, undertake and submit to the WPA for its written approval, a BS4142:1997 noise survey, to assess whether noise arising from the development exceeds the daytime criterion of 5db(A) above the existing background noise level, after the addition of the 5db(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997 at the nearest residential receptor (if applicable). The submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criteria. The noise mitigation measures shall thereafter be implemented in accordance with the approved details, and the mitigation measures maintained throughout the operational life of the site.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

16. All mobile plant used on site, including that used on the temporary extension site shown in red on Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11 received by the WPA on 26th November 2014, shall be fitted with broadband noise reverse alarms.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Dust

17. The measures detailed in the approved Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by MEB Design Solutions' dated March 2013, received by the WPA on 13th November 2013, as approved in a letter sent by the WPA on 15th November 2013, shall be employed to ensure that dust emissions from the site, which for purposes of clarity consists of the materials recycling facility, which is shown as land edged in blue on Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11, received by the WPA on 26th November 2014, and the temporary extension site shown in red on Drawing Reference No. MS231-11, received by the WPA on 26th November 2014, are controlled and fugitive dust prevented from leaving the site. In the event that it is considered necessary and upon the request of the WPA, there shall be a temporary cessation of material importation, screening and crushing operations, and the movement of materials during periods of excessively dry and windy weather.

Reason: To safeguard the amenities of nearby residents and to minimise dust disturbance at the site and to ensure compliance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Drainage

18. 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 should 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, or the compound capacity of 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 shall be detailed to discharge downwards into the bund. There must be no drain through the bund floor or walls.

Reason: To avoid pollution of the land and any watercourse.

19. There shall be no discharge of foul or contaminated drainage from the site, into either the groundwater system or any surface waters, whether direct or via soakaways.

Reason: To avoid pollution of the land and any watercourse and to accord with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

20. All foul drainage shall be contained within a sealed and watertight tank, fitted with a level warning device to indicate when the tank needs emptying.

Reason: To avoid pollution of the land and any watercourse and to accord with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Operational matters

21. Only materials which are inert, solid, dry, non-oily, non-hazardous and non-putrescible shall be stockpiled on site outside the building.

Reason: To avoid pollution of the land and any watercourse.

22. Within the Materials Recycling Facility site as shown in blue on Drawing Reference No. MS231-11 received by the WPA on 26th November 2014, except for within the IBA storage bay, stockpiles of raw materials shall not exceed 7 metres in height above ground level and stockpiles of recycled materials shall not exceed 6 metres in height above ground level.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

23. Stockpiles of reclaimed aggregates shall not exceed 7 metres in height above ground level on the temporary extension area, as shown in red on Drawing Reference No. MS231-11 received by the WPA on 26th November 2014.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

24. During the times whilst the wood shredder is being used, within the operating hours set out in Condition 9 above, the three middle roller shutter doors on the southern elevation of the building shall be kept closed.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.9 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

25. The internal lining of the Waste Transfer Building in concrete blocks on the northern, eastern and western elevations, shall be maintained in accordance with the details shown on Drawing No. SSW/CS15596/003 Revision B, received by the WPA on 8th July 1996.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

26. All external lighting required in connection with the operations hereby permitted shall be angled downwards into the site and suitably shielded so as to minimise light pollution.

Reason: To prevent light pollution and to safeguard the amenities of the area in accordance with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (adopted December 2006).

Boundary Treatment

27. The approved boundary treatment, including the means of materials containment within the site, shall be maintained at all times in accordance with the approved details as shown on Plan Drawing No. SSW/CS15596/04 Rev.

A, received by the WPA on 26th June 1997, as approved in a letter from the WPA dated 21st November 1997.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

28. The existing hedge screen that runs along part of the northern boundary shall be retained and protected from any damage to the satisfaction of the WPA.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Traffic movements

29. The number of HGV's entering or leaving the site for the purposes of depositing or collecting waste material/reclaimed aggregates shall not exceed an average of 100 movements per day measured over any week period and subject to a maximum of 550 such vehicle movements in any week. A record of all daily vehicle movements shall be kept at the site, which shall be made available to the WPA in writing within one week of a written request.

Reason: In the interests of highway safety and to protect surrounding residential amenity and to accord with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Ecology

30. The area of retained vegetation/undisturbed ground, on the eastern part of the extension site, shall continue to be pegged out, to the satisfaction of the WPA. The pegged out area shall be maintained for the duration of the permission and this area shall not be traversed by machinery or used for storage of material. In the event that the approved pegged out area is required for inert aggregate (including IBA) storage, then prior to its use, an ecological survey and a scheme of mitigation shall be submitted to the WPA for its written approval. Prior to the area being brought into use for inert aggregate (including IBA) storage, the approved scheme of mitigation shall be implemented. Thereafter, the mitigation measures shall be retained on site for the duration of the works/operations.

Reason: To ensure that the habitat for a protected species is suitably protected in accordance with the National Planning Policy Framework (March, 2012).

Annual throughput

31. The temporary extension in working hours to permit an increase in IBA processing within the IBA Processing Building, Mondays through to Fridays,

(excluding Bank and Public Holidays) and the temporary use of land shown in red on Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11 received by the WPA on 26th November 2014 for aggregate storage, shall not result in the total throughput of all waste materials (inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA waste) received at the site exceeding 100,000 tonnes per annum. A written record of the tonnages of the waste materials shall be maintained by the developer. Records of the tonnages recorded shall be made available to the WPA in writing within two weeks of a written request from the WPA.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Buildings, fixed plant and machinery

32. No buildings, fixed plant or machinery, other than that approved by this permission and any other relevant planning permissions, shall be erected or placed on the site in association with the outdoor storage and processing of IBA.

Reason: To enable the WPA to control the development and to minimise its impact on the Green Belt and amenity of the local area, in accordance with Saved Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Informatives/Notes to applicant

1. The applicant's attention is drawn to the comments of the County Council's Nature Conservation Officer, who has advised that in the event that there is any further expansion onto land to the north of the temporary storage area (former Bunny Brickworks), appropriate ecological assessment/surveys for reptiles and potentially other notable and protected species, would need to be carried out, as this land has the potential to support reptiles.
2. The Environment Agency has drawn attention to the fact that IBA and associated aggregates are a controlled waste and subject to Duty of Care Controls (as defined by the Environmental Protection Act). If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. For further advice and information the applicant is advised to contact the Environment Management Team at Trentside Office, on 0115 8463725 or refer to guidance on their website at www.environment-agency.gov.uk/subjects/waste

2 June 2015**Agenda Item:11****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/01995/CMA**

**PROPOSAL: APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE
EXTANT PLANNING PERMISSION 3/03/02626/CMA IN ORDER TO
EXTEND THE TIME LIMIT FOR IMPLEMENTATION, INCORPORATING
NEW ACCESS ARRANGEMENTS**

**LOCATION: CROMWELL QUARRY, LAND TO THE EAST OF THE A1, SLIP ROAD
A1, CROMWELL, NEWARK**

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider a planning application for the extension in time to implement an existing planning permission for the extraction of sand and gravel from land to the east of the A1 at Cromwell, Newark. The key issues relate to the continued need for the site, HGV movements and restoration. The recommendation is to grant planning permission subject to conditions and the signing of a legal agreement.

The Site and Surroundings

2. The application site is located within a narrow band of land, approximately 700 metres wide, bordered to the east by the River Trent and to the west by the A1 (see Plan 1). The surrounding area is predominately agricultural although there are also significant existing and former sand and gravel workings in the area on both sides of the river. These include another quarry known as Cromwell Quarry to the immediate north of the application site (see Plan 1), from which sand and gravel extraction has been completed and the site largely restored, although it is now being used for the deposit and recycling of river dredgings. On the opposite side of the river is the northern extent of Langford Lowfields Quarry (see Plan 1), an area which has been worked and restored and has subsequently been designated as a local wildlife site, with the working quarry to the south of this. Approximately 850 metres to the north east of the application site, again on the opposite side of the river, is the southern extent of Besthorpe Quarry (see Plan 1).

3. The nearest residential properties to the site are in Cromwell on the western side of the A1 on the Great North Road (Main Street), which runs roughly north-south through the village, being around 200 metres from the site access (see Plan 1). There are a number of buildings of historic interest in the village, including the Grade I listed St Giles Church, which is around 200 metres to the west of the south western corner of the site, and 'The Old Rectory and Attached Cottage' which is immediately south of the church and a similar distance from the site. The village of Collingham is around two kilometres to the east of the site.
4. The application site itself covers an area of around 26.5 hectares and is predominately flat agricultural land, primarily comprising three large fields bordered by hedgerows. A mature hedgerow with hedgerow trees borders the western boundary of the site adjacent to the A1, whilst a floodbank adjacent to the river, which is also Cromwell Bridleway Number 1, forms the eastern boundary of the site (see Plan 1). Cromwell Footpath Number 5 is hard surfaced and runs from the village, across the A1, along the southern boundary of the site, before becoming Cromwell Bridleway Number 1 which heads south to Cromwell Lock.
5. The site access is via an existing access which served the former Cromwell Quarry to the immediate north of the site (see Plan 1). The proposed development would utilise the access into the former quarry for around 80 metres in an easterly direction before heading south east for around 130 metres, adjacent to a pond associated with the former quarry. The entire application site lies within Flood Zone 3.

Planning History

6. The site was first granted planning permission for sand and gravel extraction in November 1998 (reference 3/94/1169/CM) subject to 47 conditions, one of which required the development to be commenced within five years of the date of the permission, i.e. by November 2003. The development did not commence within this timescale and so, in October 2003, an application (reference 3/03/02626/CMA) to vary condition 5 and allow an extension in time to commence the development was submitted. Although it was resolved to grant planning permission in October 2006, issues regarding the drafting of the legal agreement resulted in the planning permission not being issued until April 2009.
7. This permission required the development to commence within five years of the date of the permission, i.e. by April 2014 and officers became aware of works commencing on site later in 2009. Soils and overburden had been stripped from a field earmarked for the plant site, with the soils placed in a long continuous bund running along the northern and western boundaries of the field, and the overburden placed in a stockpile in the north east corner. In addition to this, three small water bodies had been dug and a small amount of sand and gravel had been removed from the site. The works had ceased due to officer concerns and also due to poor weather conditions.
8. All of the above works had been undertaken despite a number of 'prior commencement' conditions having not been discharged but officers considered that the development had not actually commenced as the planning permission was for the extraction of sand and gravel and only a small amount of material,

thought to be around 15 HGV loads, had been removed from the site. For this reason, Condition 5 of Planning Permission 3/03/02626/CMA, requiring the permission to commence by April 2014, remained valid.

9. In January 2014, with no further works having taken place on site due to what the applicant described as 'the economic climate and decline of the aggregate market locally and nationally', an application was submitted to extend the commencement date of Planning Permission 3/03/02626/CMA for a further 12 months to allow all infrastructure works related to the discharge of water, the wheelwash and plant to be installed and an adequate quantity of sand and gravel to be extracted. This application was not validated and subsequently returned to the applicant as it had not been submitted with an accompanying environmental statement and the proposed development was considered to constitute EIA development.
10. The application was resubmitted (reference 3/14/00778/CMA) with an accompanying environmental statement in April 2014 seeking to extend the start date of Planning Permission 3/03/02626/CMA by a further 18 months but this application had to be withdrawn as the application site boundary did not include the access through the adjacent former quarry site.
11. The above matter was addressed and the application now under consideration was submitted in October 2014.

Proposed Development

12. This planning application seeks to extend the date of commencement of the development by a period of 18 months (from the date of any permission issued) in order that the operators can install all the necessary infrastructure required in relation to the discharge of water, the wheelwash and the site plant. The development itself seeks to extract 2.4 million tonnes of sand and gravel from the site over a 12 year period, based on a production rate of 200,000 tonnes per annum.
13. The phasing plans submitted show the site being worked in ten phases (see Plan 2), commencing in the south west corner and moving east across the southern half of the site in phases one to four, phase five covering the entire eastern extent of the extraction area, with phases six to ten moving across the northern half of the site from east to west. The plant would be located in the north west corner of the site in the area previously stripped of soils. The minerals would be excavated using a hydraulic excavator and would be transported to the plant site for processing by dumper trucks, in order to prevent the use of any physical structures, such as a conveyor system, within the floodplain. To this end, mobile processing plant would be installed at the site which would not exceed eight metres in height. In addition to the mobile processing plant, other built development on site would include a weighbridge, offices, a wheelwash and a generator/electricity cabin.
14. As described in paragraph 7 above, initial site preparation works have already been undertaken, insofar as soils and overburden have been stripped from the plant site area and placed into stockpiles. The proposed development would continue through the stripping of soils and overburden from phase one, in addition to the creation of the access road, which would be hard surfaced, and

the installation of the wheelwash and weighbridge. Soil bunds would be created to the west of phase one and to the south of the plant site area, with overburden being added to the existing overburden mound, to a mound in the south west corner of the site, and also to a long linear bund on the eastern boundary of the site close to the existing floodbank.

15. Mineral extraction in phase one would allow for the creation of the permanent silt settlement ponds on site, which would be kept separate from the remaining extraction area by a ten metre wide unexcavated strip of land. Further temporary silt and clean water lagoons would be created to the immediate south of the plant site, north of a topsoil bund.
16. Mineral extraction would continue into phases two, three and four with the overburden mound close to the plant site continuing to be expanded through phase two before the material is then used in the restoration of phases three and four. Top soils would be direct placed in previous phases to allow the restoration of the site to commence. In a similar fashion to the separation of the settlement pond from phase one through a ten metre wide unexcavated strip of land, an unexcavated area would be left between every two phases, as well as across the centre of the site on the northern edge of phases one to four. This would allow for each two-phase area to be discretely dewatered, with one phase being worked whilst the other is being dewatered.
17. Phased extraction and restoration would continue in a similar manner across the northern part of the site through phases six to ten, before the plant site itself is worked from south to north. The working of these later phases would include the progressive removal of the ten metre wide strips previously left in place and the removal of these strips would be coupled with water levels being allowed to progressively return to natural levels to gradually create the water body which forms a significant part of the restoration proposals. Given the need to remove the plant on site in order to extract the mineral in the plant site area, it is proposed to remove the sand and gravel from this area and transport it off site 'as dug' for direct sale or for processing at another of the applicant's operations.
18. It is proposed to operate the site between 7am and 7pm Monday to Friday and 7am to 1pm on Saturdays. The application anticipates an average of four HGVs entering and leaving the site per hour (eight movements), which would equate to approximately 48 HGVs using the site each weekday (96 movements).
19. The proposed restoration is for a combination of open water, including some ephemeral ponds suitable for amphibians; seasonal wet grassland; marginal reedbed habitat; neutral grassland meadow; and areas of tree, shrub and hedgerow planting. The application states that the Trent Valley is an important corridor for migratory and indigenous birds, in particular wildfowl and the site has the potential for the creation of a wetland habitat which could become an important feeding, resting and breeding site.
20. The main water body would cover most of the western half of the site and part of the eastern half and would include some gravel-topped islands to encourage common terns. The application states that the lake margins have been maximised to create the largest possible shallow areas for feeding wading birds such as ringed plover and little ringed plover. Two areas of the lake edge are proposed to be designed to have vertical earth banks which are ideal nesting habitat for kingfisher.

21. The marginal reedbed, seasonal wet grassland and neutral grassland would cover the majority of the eastern half of the site and would be sown with a low maintenance grass seed mix incorporating wild flowers. The tree planting proposed includes species such as field maple, alder, downy birch, ash, wild cherry, oak, white willow and crack willow, whilst the shrub planting would include dogwood, hazel, hawthorn, blackthorn, dog rose, goat willow, willow and guelder rose.
22. The application is accompanied by an environmental statement (ES) which has considered the following:

Ecology

23. Updated ecological surveys were undertaken in 2014 for great crested newts, reptiles, bats, water voles, badgers and birds. Common amphibians (common frog, common toad and smooth newt, but not great crested newt) were recorded on site and mitigation measures proposed include the fencing off of all the ponds on site with a ten metre buffer strip left to develop into rough grassland; the creation of amphibian hibernacula adjacent to the ponds; hand searching and vegetation management ahead of work in each phase; the translocation of any amphibians into the rough grassland adjacent to the ponds; the monitoring of water levels and quality in the ponds; and the maintenance of operational areas as very short sward or bare ground to deter amphibians from encroaching. The restoration works would include the creation of small ponds suitable for use by amphibians and the retention of any hibernacula previously created.
24. Although no common reptiles were recorded, the applicant considers the site to have limited potential for slow-worm, grass snake and common lizard. This extends to the river corridor on the eastern side of the site, although this area would not be impacted by the proposed development. It is proposed to fence off the eastern flank of the site; hand search and manage areas of vegetation prior to works in each phase; maintain operational areas as very short sward or bare ground; and translocate any animals found into the areas adjacent to the ponds. The ecological survey considers that the restoration scheme should include southern facing short sward banks and the creation of two grass snake egg laying piles close to the eastern boundary of the site.
25. A single tree is considered to have potential to support bats and the applicant considers that bats would forage over the site. It is proposed to retain and protect this tree throughout the proposed development, along with many hedgerows, trees and waterbodies. Habitat creation as part of the restoration of the site would provide better feeding opportunities for a wider range of bats than those which presently exist.
26. 39 species of birds were recorded in the surveys, of which eight are national Biodiversity Action Plan species (skylark, yellow wagtail, dunnoek, song thrush, linnet, bullfinch, yellowhammer, and reed bunting). The applicant is proposing not to clear any vegetation on site without an appropriate nesting bird check; retain existing hedgerows and trees; protect trees and hedgerows from quarry operations; provide additional planting as part of the restoration of the site; and provide rough grassland banks on non-operational areas to provide additional foraging opportunities for birds.

27. A ten-year management plan has been included in the ES which sets out the objectives, method of establishment and ten-year management for each of key habitats proposed in the restoration scheme: the nature conservation lake with islands; reedbed; seasonally wet grassland; neutral grassland; trees and shrubs; marshy areas; and ephemeral ponds. The management plan also proposes the setting up of a Management Advisory Group, which would include representatives of the planning authority and nature conservation bodies, to review the progress of the management of the site.

Landscape

28. The ES describes the site as being within the broad, level flood plain of the River Trent with few distinguishing features. It is located in an area remote from residential properties with the A1 forming a visual barrier between the site and Cromwell village. The proposed processing plant, at eight metres in height, would only be visible from the first floor windows of properties in Cromwell due to existing hedgerows and trees and views from vehicles on the A1 would be limited, with the plant colour being chosen to mitigate these views further.
29. The ES states that the impacts of the proposed development on the landscape would be mitigated by the phased working and progressive restoration of the site; the provision of grassed screening mounds around the plant site and to the east of the site adjacent to the public bridleway; restricting the height of the processing plant to eight metres; and the management of boundary vegetation to allow hedgerows to grow to a height of between three and four metres.
30. The ES considers that the extraction process would have a medium/low sensitivity upon the local landscape and a large magnitude of change with a moderate impact. The ES further considers that the existing landscape features could be largely replaced or complimented with other land uses without adversely affecting the intrinsic character of the wider surroundings and the restoration proposals would positively contribute to biodiversity and nature conservation.

Flood risk

31. A flood risk assessment has been submitted with the ES which has modelled the site in phases 1, 3 and 10 and is based on any excavated areas being already filled with water prior to any fluvial flood flows entering the site. Each scenario has been modelled against a 1 in 100 year flood flow plus an additional 10% to take account of the effects of climate change. As a result of the modelling undertaken, the applicant considers that peak water levels would remain essentially unchanged with the largest change being immediately south of an 'L' shaped bund which was originally proposed in the south west corner of the site. The build-up of water behind this bund is anticipated to increase levels by 0.03 metres and, to mitigate this, a 20 metre gap in the centre of the bund is proposed to reduce its obstruction to the flow of water. In addition to this, it is proposed to use dumper trucks to transport excavated sand and gravel to the processing area instead of using a conveyor, to ensure that there are no structures in the flood plain which could hinder flood flows.

Noise

32. The submitted noise assessment has confirmed the existing noise levels at three locations in Cromwell village: on Church Lane close to the A1; near the entrance to St Giles Church in the south of the village; and close to the farm shop in the north of the village. The noise assessment considers that existing noise levels are dominated by traffic on the A1, along with traffic on Main Street through the village. Three scenarios have been examined in assessing the noise impacts of the proposed development: during normal operations using dumper trucks to transport minerals to the processing area; during normal operations using a conveyor; and during temporary operations such as soil stripping and soil bund formation. Noise levels are anticipated to be below 55 dB(A) $L_{Aeq, 1hr}$ during normal operations at the above locations, with the use of dumper trucks not affecting the levels, and below 70dB(A) $L_{Aeq, 1hr}$ during temporary operations, which are the limits set out in the Technical Guidance of the NPPF.
33. Measures proposed to minimise noise impacts include screening the processing plant along the northern and western boundaries of the site through the use of soil bunds, whilst utilising the existing overbridge embankment and a further soil mound to the south of the plant site; and operating all mobile plant on site in accordance with the manufacturers' specifications for noise suppression.

Air quality

34. The ES identifies that potential dust sources from the proposed development include the stripping of soils, the extraction of mineral, the transportation of mineral to the plant site and its processing, dust blow from the mineral stockpiles, and dust on the access road leading to the public highway. It is proposed to only carry out soil stripping operations when the risk of dust emissions is minimal, i.e. not in exceptionally dry conditions; the hard surfacing of the access road and the spraying of the plant area using a water bowser; limiting vehicle speeds and fitting them with upswept exhausts; limiting stockpiles; minimising drop heights when loading and unloading mineral; the sheeting of vehicles leaving the site; the seeding of soil bunds; and the phased working and restoration of the site. The ES considers that the above measures would ensure that the site operates without dust impacts on the surrounding environment or on local amenity.

Archaeology

35. The ES includes a Scheme of Archaeological Works previously submitted in 2003, along with the results of a watching brief for the topsoil stripping and limited aggregate extraction undertaken during 2009, including the recording of any archaeological or geoarchaeological remains encountered. An assessment of the site has concluded that there are no archaeological sites or other archaeological material at the application site but there is considerable evidence showing archaeological interest in the surrounding area such as cropmark sites and more deeply buried evidence.
36. The Scheme of Archaeological Works proposes watching briefs during topsoil stripping and intermittently during mineral extraction, including the observation, recognition and recording of any features of interest. The scheme also includes steps to be undertaken if the watching briefs result in remains being discovered

which it is considered warrant emergency investigation or further contingent works. The scheme also proposes to provide site archives, assessment reports and published reports based on the remains discovered. All finds shall be donated to an appropriate museum.

Transport and access

37. The ES describes the proposed access into the site which would be off the A1 slip road, which is 5.5 metres wide at the access point and can accommodate two-way traffic. The ES also describes the lorry routing agreement already in place which allows for the use of the slip road for HGVs accessing the site from the north and leaving the site and heading south; and also provides for HGVs accessing the site from the south or leaving the site and heading north to use the road which crosses the A1 and the Great North Road/Main Street through the northern part of the village (see Plan 1).
38. The extraction of 200,000 tonnes of sand and gravel per annum is anticipated to generate 106 vehicle movements per day: 96 HGVs and 10 staff cars, or 48 HGV trips and five car trips. Traffic counts have been undertaken on the A1 close to the application site which state that the average annual daily traffic is between 41-43,000 vehicles in total, with around 6,800 of these being HGVs. Taking into account anticipated traffic growth on the A1 during the life of the development, the ES considers that the vehicles associated with the proposed development would increase traffic levels by between 0.3% and 0.4% and so considers that the route would remain well within its design capacity.

Consultations

39. ***Newark and Sherwood District Council*** has no objection to the application provided that the County Council is satisfied that the proposed development complies with the relevant development plan policies.
40. ***Cromwell Parish Meeting*** has no objection to the application provided the agreed HGV route is maintained. HGVs travelling through the village are not acceptable.
41. ***Collingham Parish Council*** has no comments to make regarding the application.
42. ***NCC (Planning Policy)*** considers that the application should be considered against the National Planning Policy Framework (NPPF) and, in line with paragraphs 215 and 216 of the NPPF, due weight and consideration should also be given to the adopted Nottinghamshire Minerals Local Plan (MLP) and the emerging Nottinghamshire Minerals Local Plan (Preferred Approach) (MLPPA).
43. *The national policy context in relation to mineral extraction is clear in that great weight should be given to the benefits to be derived from mineral extraction, including to the economy, whilst ensuring that there are no unacceptable adverse impacts (both individually and cumulatively on the natural and historic environment, human health and aviation safety). Securing restoration and aftercare to high environmental standards at the earliest opportunity is also highlighted.*

44. *The proposal was not allocated in the adopted MLP as it already had planning permission at the time and the plan recognised the role of Cromwell Quarry in supplying markets that had previously been met by Hoveringham Quarry and sites in the Idle Valley. The proposal for a time extension to allow the potential for extraction at the site in future needs to be considered against Policy M6.3 'Sand and Gravel Extraction in Unallocated Land' and Policy M6.2 'Sand and Gravel Landbank' of the adopted MLP. The sand and gravel landbank as of December 2013 (the latest figures available) stood at 6.74 years which is below the minimum seven years as set out in the adopted MLP and the NPPF. Annual production in 2013 was 1.39 million tonnes, well below the locally agreed apportionment of 2.65 million tonnes. The extensions at Langford and Farningley (permitted since December 2013) have increased the landbank to 7.55 years, just above the minimum requirement.*
45. *The MLPPA includes site specific allocations to meet expected demand for minerals over the plan period to 2030 (based on revised local apportionment figures set out in the Local Aggregates Assessment). The permitted capacity at Cromwell Quarry is included within the sites identified in Policy MP2 (site SGg). Given the present position of the sand and gravel landbank and the identification of the site in the MLPPA, it is considered that the principle of sand and gravel extraction at the application site is supported in policy terms. However, this is subject to the environmental and amenity impacts of the development being acceptable (the local context may have changed since the original permission). In considering these impacts, attention is drawn to the environment protection and reclamation policies set out in Chapters 3 and 4 of the adopted MLP and also the emerging development management policies in the MLPPA.*
46. **Highways England** states that the proposed development is not expected to have a material impact on the closest strategic route, the A1 and so has no objection to the proposals.
47. **NCC (Highways)** considers that the principle of the development is acceptable with HGV movements not expected to increase above previously agreed levels. Access through the adjacent former quarry is acceptable. The HGV route proposed should be provided through either the old legal agreement being retained or through a replacement with the routes agreed. Conditions from the previous permission should be retained or slightly amended to take account of agreed access arrangements and wheel cleaning facilities.
48. **The Environment Agency (EA)** has no objection to the application subject to a number of matters being secured by condition to ensure that the proposed development accords with the National Planning Policy Framework. The development should be carried out in accordance with the Flood Risk Assessment (FRA) Addendum Report; surface water discharged from the site must not exceed the consented rate of 60 litres per second; and the proposed excavations are to maintain a minimum easement of 45 metres from the flood defence.
49. *The FRA states that the restoration of the site would result in the lowering of existing ground levels and the EA is unlikely to approve a restoration scheme to raise ground levels above the pre-excavated topographical level at any point across the site. If this is not possible the applicant would need to demonstrate that flood risk is not increased elsewhere.*

50. *Information is also provided stating that any dewatering should form part of a surface water management plan and must not increase flood risk downstream of the site and where possible shall reduce existing flows from the site. Therefore, any surface water discharge from the site to the River Trent must be undertaken in accordance with the relevant EA Licence. Any abstraction of water greater than 20 cubic metres per day requires an abstraction licence from the EA, as would the use of dewatered water for the washing of sand and gravel. Confirmation is required as to how much water would be used per day for this operation and also for wheel washing/dust suppression. Further information on the abstraction licencing regime is provided.*
51. **Natural England** considers that the proposed development is unlikely to affect any statutorily protected sites or landscapes. The Besthorpe Meadows Site of Special scientific Interest (SSSI) is on the opposite side of the river and therefore the proposed development would not affect the hydrology of that SSSI. Natural England welcomes the commitment to handling, reinstating and managing soils in line with accepted principles of best practice. The details for the post-restoration management of the site would appear to meet the requirements for sustainable minerals development. The proposed changes to the restoration scheme are positive and would provide additional biodiversity benefits through the provision of new priority habitats that contribute to national and local biodiversity targets. These include increased length of lake margins and shallows, scrapes, ponds, marshy habitat and new tree planting. Standing advice should be applied with respect to protected species.
52. **NCC (Nature Conservation)** has no objection to the application and notes that the nearest local wildlife site, Langford Lowfields, is around 130 metres to the east of the site on the opposite side of the River Trent and so is therefore unlikely to be affected by the proposals. The nearest Site of Special Scientific Interest (SSSI), Besthorpe Meadow, is over 2.3 kilometres to the north east and again is unlikely to be affected by the proposals. However, the site lies within the Impact Risk Zone for this SSSI for quarrying and so Natural England should be consulted.
53. *Surveys have confirmed that the site supports common and widespread habitats which are mainly assessed as being of low ecological value, although the ponds are considered to be of low to moderate value and the hedgerows moderate value. No evidence of great crested newts was found, although other common amphibians are present, and a range of widespread farmland bird species were confirmed, a number of which are conservation priority species. A tree on site was considered to have some potential to support roosting bats but no evidence of reptiles, water voles or badgers was found, although parts of the site are considered to be potentially suitable for reptiles and it should be noted that direct observational surveys, as carried out by the applicant, are not considered suitable for confirming the presence or likely absence of these species.*
54. *The proposed development would give rise to the temporary loss of habitat used by breeding birds and foraging and commuting bats, including the loss of around 550 metres of hedgerows, and have the potential to affect common species of amphibians and reptiles. The mitigation measures proposed in the Ecological Appraisal and Impact Assessment are considered appropriate and a condition should require the production of a Protected Species Mitigation Plan based on these mitigation measures, to be submitted prior to the commencement of the*

development. In addition, the mitigation plan should also include a pre-commencement check for badgers, appropriate bat roost surveys should the identified tree need to be removed, and a relaxation of hedgerow management regimes to provide enhanced foraging habitat for bats.

55. One of the mitigation measures proposed is the retention and protection of three ponds on the site but the revised phasing plans show only two of these ponds being retained with a small third pond not identified as being retained. As this third pond is only around four metres square and supports only common frog, its loss would be acceptable, subject to alternative mitigation, or revised plans should be submitted to show its retention along with a 10 metre stand-off, as per the other ponds.
56. The proposed restoration scheme reflects that previously submitted and is considered broadly appropriate and a number of issues previously identified have been addressed. The proposed broad zone of wetland habitats on the eastern side transitioning from open water, through reedbed and wet grassland to neutral meadow would now benefit from a varied microtopography, with shallow scrapes and hollows identified on the restoration plan. Land on the eastern side of the site adjacent to the River Trent is now included in the restoration scheme and would be restored to neutral grassland. An area of woodland planting has been removed in order to minimise the use of this area by predators such as crows as these would affect the success of any breeding waders in the wet grassland area to the north. Ash has been removed from the tree planting mix and replaced with oak and field maple, whilst the grassland species mix has been confirmed (MG4 mix), although full details of the species mix would be required through a condition. Further conditions are also required with respect to planting, including reeds, in marginal areas; details of underwater contours to ensure that sloping margins and shallow are provided; and establishment methods and maintenance regimes, including soil reinstatement works. The ten year management scheme would need to be updated in light of the amendments to the restoration scheme.
57. **Nottinghamshire Wildlife Trust (NWT)** objects to the application. It is satisfied with the surveys that have been undertaken and considers that there are no habitats present for which the site would qualify as a local wildlife site. There would be a loss of approximately 600 metres of hedgerows and whilst they are not notably species-rich, they are important for fauna such as nesting and foraging birds, foraging bats and reptiles.
58. Toads, frogs and smooth newt were surveyed on the site and the application proposes to retain ponds on site, improve the habitat by installing hibernacula, and to fence the pond area off from the development. However, it is considered that the 10 metre buffer should be extended to 15 metres and the area should be secured by amphibian/reptile fencing. It should also be confirmed that all three ponds would be retained.
59. The applicant proposes to fence off the eastern corridor along the River Trent to conserve existing habitat which is suitable for reptiles including grass snakes, slow worms and common lizard but no details of the fencing to be used has been provided and reptile fencing should be specified. Vegetation management is supported along with the hand searching for reptiles in advance of soil stripping and other destructive works. This should be extended to the removal of any established soil bunds as these have a high potential to attract reptiles.

The fenced pond area would be a suitable receptor site for any reptiles found but suitable reptile/amphibian fencing should be provided.

60. *A potential tree roost has been subject to a visual survey and it is proposed to retain it as part of the application. No activity survey has been undertaken for bats, despite the presence of hedges, ditches, ponds and field margins. In the absence of surveys, a precautionary approach should be undertaken to ensure the continuation of bat foraging habitat, including the cutting of hedges on a greater than four year rotation; the establishment of 10 metre wide field margins in unworked areas which shall be seeded with high energy rapid establishment seed mixes that attract high levels of invertebrates, but not the MG4 seed mix specified in the application; and the use of similar species-rich seed mixes on soil bunds to create foraging habitat. The provision of suitable habitat in the future is not sufficient and the measures proposed would ensure that suitable habitats are present throughout the working scheme. A plan of these features and a species mix for the buffer strips and bunds should be submitted prior to determination.*
61. *Measures proposed in respect of bats and amphibians would also be of benefit to hares and hedgehogs.*
62. *The breeding bird survey has identified 39 species of birds on the site including three United Kingdom Biodiversity Action Plan species. The proposed creation of rough grassland banks in non-operational areas as mitigation is supported but it would not benefit hedgerow birds. However, the mitigation measures for bats would be beneficial whilst wet scrapes and shallow wetland/marsh/reedbed habitats should also be created in the earliest restoration phase to benefit species such as oystercatchers.*
63. *The proposed restoration scheme contains too high a proportion of open water habitat which is not a priority for re-creation in the Trent Valley. The site lies within NWT's Trent Vale Living Landscape area and Natural England's Trent and Belvoir Vales Natural Character Area. High priority habitats for restoration are therefore wet grassland/floodplain grazing marsh, reedbed, fen, swamp and marsh, wet woodland, ponds and ditches and these should be represented in the restoration scheme. Therefore, whilst wet grassland, reedbed, marsh and marginal wetland habitats are included, NWT would expect to see more wet grassland and reedbed and less open water. The creation of the kingfisher bank was previously agreed with the applicant in order to provide valuable habitat and to enable one part of the lake margin to be steep, thereby providing more material for making other margins shallower. There is more potential for this approach on the site such as creating sand martin bank with a steep drop into water. The restoration scheme does not show underwater contours so it is not possible to discern what depth it would be and whether it would be possible to over dig in one area to generate more restoration material for use elsewhere. NWT would expect all of these options to have been explored and a solution found to reducing the overall area of open water. Shallow scrapes should be provided in wet grassland areas to increase its value to waders.*
64. *The commitment to a ten year aftercare scheme is welcomed. Regarding the proposal to plant any areas which have not naturally colonised as anticipated, this should be carried out after five years so that it can be managed in years six to ten. To this end, a target list of species should be provided against which a review of success can be undertaken and monitored.*

65. *The seasonally wet grassland habitat type should be amended to one (MG4) which is the scarcest remnant grassland habitat in the Trent Valley and of highest priority for restoration and should be managed for the benefit of breeding waders and plant diversity. The removal of one of the planting areas is welcomed as it would be detrimental to the success of breeding waders and wildfowl as it would attract perching corvids to the reedbed and wet grassland areas. Hedgerows in this area should also be managed to ensure that hedgerow trees do not develop for the same reason. Passerine birds would benefit from the management of hedgerows so that they are wide and dense. Seed mixes are required for all habitat types as they have only been provided for the tree planting areas so far. Opportunities to use river reconnection to create biodiversity action plan priority habitats and sustainable flood storage should be thoroughly investigated.*
66. *Although NWT is satisfied that the areas of shallows have been maximised, a review mechanism should be conditioned which allows for additional areas of shallower restoration if the volumes of material extracted change once working commences.*
67. **NCC (Built Heritage)** *considers the proposals to be acceptable with regards to their potential impact on built heritage in the area. The site is close to the historic settlement of Cromwell but is separated from it by the A1. Cromwell is not a designated conservation area but does contain several listed buildings and buildings of local interest, the most significant of which is the Grade I listed parish church. In accordance with the NPPF, it is important to assess the impact of the proposals on the setting of heritage assets and accordingly it is clear that the potential impact on the church should be the main consideration from the historic built environment perspective.*
68. **NCC (Built Heritage)** *has reviewed the submitted information and it is considered that the level of harm caused to the setting of the church, in terms of views of it and views to it, both during and after the proposed working of the quarry, is clearly 'less than substantial'. In fact, as a result of the A1, the impact of the quarry, taking into account cumulative impact, is very much 'negligible'. The distance of the workings from the nearest settlement to the east in Collingham suggests that there would be no impact on the setting of the conservation area or designated listed buildings thereabouts.*
69. **NCC (Archaeology)** *considers that the works proposed for the site are appropriate and should be covered by a suitably worded condition which refers to the scheme and requires its full implementation to the satisfaction of the minerals planning authority.*
70. **NCC (Noise Engineer)** *notes that the site is located to the east of the A1 and the nearest noise sensitive receptors are in Cromwell village to the west of the A1. The existing background noise is dominated by road traffic noise from the A1 and is at or above the predicted noise levels from operations on the site, despite the changes to dumpers. The application complies with the noise limits in the NPPF Technical Guidance. It is therefore anticipated that there would not be any adverse impacts from operational noise associated with the proposed development. There would be no real benefit in imposing site noise limits at dwellings in Cromwell village as the A1 road traffic noise is likely to remain the dominant component of the noise climate at these dwellings.*

71. ***NCC (Landscape)*** has no objections to the proposals. There are no significant landscape or visual impacts identified in the information submitted.
72. ***NCC (Countryside Access)*** is aware of the rights of way on the southern and eastern sides of the site but the proposed working method would not affect these paths.
73. ***The Canal and River Trust*** has no objection to the application.
74. **National Grid (Gas), Western Power Distribution, Severn Trent Water Limited, The Ramblers' Association, British Horse Society, Defence Infrastructure Organisation** and the **National Planning Casework Unit** have not responded on the application.

Publicity

75. The application has been publicised by means of seven site notices erected around the site and in Cromwell village, along with a press notice in the Newark Advertiser. The application has been advertised as affecting a public right of way. The above has been carried out in accordance with the County Council's Statement of Community Involvement Review.
76. Councillors Bruce Laughton and Maureen Dobson have been notified of the application.
77. No representations have been received.

Observations

Need for the site

78. The National Planning Policy Framework (NPPF) recognises the importance of minerals to support sustainable economic growth and quality of life (paragraph 142) and states that it is important to ensure a sufficient supply to provide the infrastructure, buildings, energy and goods needed. Paragraph 144 states that planning authorities should give great weight to the benefits of mineral extraction, including to the economy. Policy M6.2 (Sand and Gravel Landbank) of the MLP requires the County Council to maintain a landbank of permitted reserves which equals at least seven years' worth of extraction.
79. The site is not allocated in the adopted Minerals Local Plan (MLP) as, at the time of the plan's adoption (December 2005), the site already had planning permission in place, albeit that the permission had not been implemented at that time and, as set out in the Planning History section above (paragraphs 6 – 11), the original permission has been renewed and this application seeks a further renewal.
80. In the emerging Minerals Local Plan Preferred Approach (MLPPA), the site is identified as one containing 'remaining reserves' of sand and gravel which, along with other permitted sites, provided estimated reserves of 19 million tonnes as of the end of 2011. These reserves are considered sufficient to maintain a seven year landbank of reserves for part of the plan period but

further sites containing an estimated 30 million tonnes of sand and gravel reserves have also been identified to meet anticipated demand for the entire plan period (up to 2030). The site is therefore part of the existing sand and gravel landbank in the county and so it is worth considering what impact granting or refusing this application would have on the landbank as it presently stands.

81. The MLP identifies an annual level of production for sand and gravel of 2.65 million tonnes and, based on this level of production, the sand and gravel landbank stood at 6.74 years in December 2013, the last available figures. Since then, additional reserves have been granted planning permission as part of extensions at Langford and Finningley quarries, increasing the landbank as of December 2013 to 7.55 years and it should be noted that sand and gravel production in the county in 2013 was 1.39 million tonnes, significantly less than the 2.65 million tonnes envisaged in the MLP.
82. Based on the assumption that production since December 2013 has been equal to the 2.65 million tonnes apportionment figure in the MLP, the landbank as of the end of April 2015 is approximately 6.21 years, below the requirement as set out in Policy M6.2. If production since December 2013 has been equal to production levels during 2013, the landbank as of the end of April 2015 is approximately 6.85 years.
83. In the emerging MLPPA, the annual level of production for the forthcoming plan period has changed little from that in the MLP and has been calculated at 2.58 million tonnes, based on the figure in the Local Aggregates Assessment which was adopted by the County Council in July 2013. Policy MP1 of the MLPPA also requires provision to be made to maintain a seven year landbank for sand and gravel and, based on the landbank as of December 2013 and a production level of 2.58 million tonnes per annum, there is presently sufficient permitted reserves for approximately 6.42 years.
84. These calculations against the apportionment figures in both the MLP and the MLPPA would suggest that permitted reserves in the county are slightly below the seven year landbank requirement and, given that the 2.4 million tonnes of reserves at Cromwell count towards this landbank, refusing planning permission would reduce this still further by almost a year. It is therefore considered that there is strong policy support for the proposal in terms of the landbank and so it is considered that the application accords with Policy M6.2 of the MLP and Policy MP1 of the MLPPA.
85. Policy M6.3 (Sand and Gravel Extraction in Unallocated Land) of the MLP does not allow for extraction outside allocated areas unless it is evident that existing permitted reserves and remaining allocations cannot sustain an adequate landbank. Similar provision is made in Policy MP1 of the MLPPA. Given that the site is an existing permitted reserve, it is not considered appropriate to assess this application against these policies.
86. Given the above observations, it is considered that granting planning permission for a further extension in time to implement the permission would be justified in terms of the ongoing need for the site. The application gives a strong indication that the site would commence operating soon as an extension in time of only 18 months is being sought through this application.

Highways

87. The proposed access to the site is via an access which has been used in the past to access a former quarry to the immediate north and no objection has been raised to its use, or the level of traffic that the proposed development would generate, by either the Highways Authority or Highways England and so it is considered that the proposed development accords with the first part of Policy M3.13 (Vehicular Movements) of the MLP which only allows for minerals development where the highway network can satisfactorily accommodate the vehicle movements likely to be generated. The policy also requires the level of traffic not to cause unacceptable impact on the environment and disturbance to local amenity. The HGV route being proposed would require HGVs leaving the site and heading north on the A1 to travel around 400 metres along the Great North Road/Main Street, with HGVs accessing the site from the south having to travel along this road for around 275 metres. There are a very small number of properties along this stretch of road, along with the Milestone Caravan Park, and, given the number of HGV movements involved, which would equate to around four trips per hour, or eight movements, in addition to the close proximity of the A1 and the existing background noise levels which the traffic on that road generates, it is considered that the proposed HGV route would be acceptable in terms of local amenity and the fact that the route provides access to the A1 over a short distance would minimise the environmental impact of the HGVs. Securing the HGV route through a legal agreement would accord with Policy M3.14 (Vehicular Routeing) of the MLP and the details required pursuant to the legal agreement would also require all HGV drivers to be made aware of the prescribed route, by either site notices or through the issuing of instructions to drivers.
88. The Highways Authority has recommended that previous conditions attached to the last permission are carried forward and these would ensure that only the prescribed access is used for the purposes of the development; that the access road is suitably surfaced with wheel cleaning facilities provided; that no mud or other deleterious material is carried onto the public highway; and that mineral laden vehicles leaving the site are sheeted. These matters are all considered acceptable, and some details have been previously agreed as part of the previous planning permission and would be carried forward and would ensure that the proposed development accords with Policy M3.12 (Highways Safety and Protection) of the MLP.

Noise

89. The proposed development does differ from the previous permission issued insofar as it is now proposed to transport excavated sand and gravel to the processing site by dumper truck, whereby the previous permission required all minerals to be transported by an electrically driven conveyor. The application has cited a need not to have fixed structures on site as the key reason for this, given that it is in the floodplain. The use of dumper trucks instead of conveyors has the potential to increase noise impacts and the application has been assessed on this basis. Despite this change, the existing high background noise levels generated by the adjacent A1 means that it is considered that noise generated from the site would not cause any unacceptable impacts on residential properties in Cromwell village, which is on the opposite side of the A1 to the application site. Whilst Policy M3.5 (Noise) of the MLP promotes the use

of conveyors instead of dump trucks, the policy states that this is only required 'where appropriate' and, given the site's location close to the A1 and the assessment carried out, it is considered acceptable to allow the excavated material to be transported by dump truck as it would not result in any adverse noise impacts on sensitive receptors.

90. Other matters requiring consideration in Policy M3.5 include restricting the hours of operation and a condition to this effect is considered appropriate. Although the policy does suggest the setting of maximum noise levels at sensitive locations, the County Council's Noise Engineer does not consider this necessary in light of the assessment carried out and the existing noise environment. However, an additional condition is recommended requiring 'white noise' reversing alarms to be used by all on-site mobile plant as the high pitched sound of standard reversing alarms can be audible at distance and can cause an adverse impact to amenity.
91. With the above provisions in place, it is considered that the proposed development would accord with Policy M3.5 of the MLP and with the Technical Guidance in the NPPF.

Flood risk

92. The Environment Agency (EA) has not raised an objection to the application, although it requires a number of matters to be secured by condition to mitigate any potential flood risks and other impacts on the water environment, important considerations given the close proximity of the River Trent to the site. The EA requires the site to be worked in accordance with the Flood Risk Assessment (FRA) submitted as part of the ES and has recommended a specific condition requiring water to not be discharged from the site at a rate exceeding 60 litres per second. Whilst reference to the FRA is considered an acceptable condition given that it forms part of the ES, it is considered that the reference to discharge rates is not a planning matter but rather a specific land drainage matter which would also be covered by the relevant EA licence. It is therefore recommended that this is highlighted as an informative only, rather than a condition.
93. Ensuring that the excavation of sand and gravel would not be allowed any closer than 45 metres of the flood defence is an acceptable condition. With the above conditions in place, it is considered that the proposed development would accord with Policy M3.8 (Water Environment) and Policy M3.9 (Flooding) of the MLP. The EA consultation response would be attached to any planning permission issued as there are other informatives to bring to the applicant's attention.

The historic environment

94. Whilst there are some important historic buildings in Cromwell village, including the Grade I listed parish church, it is considered that the distance between the village and the proposed quarry, in addition to the fact that the A1 lies between the two, would result in the impact of the proposed development on these heritage assets being negligible. It is also considered that there would be no impact on the setting of Collingham Conservation Area, or listed buildings in that village, given that it is on the other side of the River Trent. This consideration is reflected by the consultation response from the County Council's Landscape

Team which considers that the proposed development would have no significant landscape or visual impacts. It is therefore considered that the proposed development would accord with Policy M3.25 of the MLP which seeks to protect historic features such as listed buildings and conservation areas.

95. A scheme of archaeological works for the site was previously approved as part of the original planning permission granted for the site. In 2009, an archaeological watching brief was undertaken during the soil stripping operations carried out and this detected a number of geoarchaeological features of interest, although limited archaeological features were identified, probably due to limited area and depth of soil stripping undertaken at that time which did not penetrate the subsoil layer. However, the report submitted to accompany the archaeological works undertaken considers that there is the potential for archaeological remains to be discovered, whilst significant organic remains could be preserved.
96. The scheme of archaeological works originally proposed is still considered to be acceptable today and with this scheme secured by condition for the remainder of the proposed development, it is considered that it can be carried out with the necessary recording of any remains of interest in accordance with Policy M3.24 of the MLP.

Landscape

97. As highlighted above, the County Council's Landscape Team has not raised an objection to the application and considers there would be no significant landscape or visual impacts resulting from the proposed development. The applicant has confirmed that in addition to the processing plant on site, which would be no higher than 15 metres, other built development on site would be limited to a weighbridge, wheelwash, mobile buildings for the site office and mess facilities, and a generator/electricity cabin. These would all be located on the western edge of the site and would benefit from screening provided by hedgerows running alongside the A1 slip road. Conditions regarding the plant site details, their maintenance, and their removal upon the completion of mineral extraction, are recommended and would ensure that the proposed development accords with Policy M3.3 of the MLP.
98. Hedgerows retained on site would be managed to allow them to grow (see ecology observations below) whilst the soil bund on the eastern boundary of the site would help screen views of the site from footpath and river users. These provisions would ensure the development accords with Policy M3.4 of the MLP.

Ecology

99. Although the site is not designated as either a local wildlife site or a SSSI, and Natural England is satisfied that the proposed development is unlikely to affect any statutory protected sites or landscapes, the proposed development would result in the loss of some habitat used by breeding birds and foraging and commuting bats, including around 550 metres of hedgerows, and has the potential to impact upon reptiles. The consultation process has raised a number of matters that require addressing and would need to be addressed through the submission of a Protected Species Mitigation Plan. These are now considered in turn.

- Retention of existing ponds on site for the benefit of amphibians

100. A concern regarding the protection of three existing ponds on site, created when the site was subject to some initial works in 2009, has been partially clarified through the submission of revised phasing plans which show two of these ponds being retained and protected throughout the life of the development. Having discussed the matter further with the applicant, a condition is recommended which would require further phasing plans to be submitted showing the retention of all three ponds, in addition to the provision of ten metre buffer zones around each and their protection through the provision of amphibian/reptile fencing. Drafts of these plans, which have been seen by officers, now show all three ponds being protected and the required buffer zones provided and the formal submission of these plans via a condition addresses this matter. The recommendation from NWT that the buffer zones around these ponds be extended from the proposed ten metres to 15 metres to protect any reptiles translocated there has been discussed with the County Council's Nature Conservation Officer and the ten metres proposed is considered satisfactory for its intended purpose, although details of the fencing to be used to protect these areas would be required as part of the Protected Species Mitigation Plan condition, as per NWT's request. NWT's recommendation that the hand searching of vegetation for reptiles be extended to established soil bunds when they are being removed is also accepted as these would be suitable reptile habitat.

- Protection of reptiles

101. NWT has commented on the lack of standard methodology reptile surveys but accepts the applicant's proposal to fence off the eastern corridor of the site alongside the River Trent to preserve habitat that is suitable for reptiles. However, once again, details of the type of fencing to be used are recommended and would be secured through the Protected Species Mitigation Plan to be submitted. This would ensure that any reptiles present in this area cannot enter the working quarry.

- Protection of birds

102. The bird surveys undertaken by the applicant have identified 39 species on the site, including a number of UK Biodiversity Action Plan species such as skylark, yellow wagtail, dunnoek, song thrush, linnet, bullfinch, yellowhammer and reed bunting. The loss of hedgerows in particular would have an impact on bird species and the Protected Species Mitigation Plan would need to provide mitigation measures for birds, including the relaxation of the management of hedgerows which are to be retained in order to allow them to grow larger and more dense, and the provision of rough grassland banks in non-operational areas to provide additional bird foraging areas. In addition to this, NWT has recommended that those phases which have yet to be worked should have ten-metre wide field margins provided which should be seeded with a seed mix which attracts invertebrates for the benefit of both foraging birds and bats. This is considered acceptable and could be added to the list of requirements to be provided through the Protected Species Mitigation Plan.

- Protection of bats

103. The relaxation of hedgerow management and the provision of field margins would also be beneficial for bats which presently forage on the site. In addition to this, it is recommended that all soil bunds created through soil stripping operations are also sown with a species-rich seed mix for the benefit of bats and birds. There is also a tree on site which has been identified as being suitable for a bat roost and it is proposed to retain this tree throughout the proposed development. However, a precautionary condition is recommended which would require a full bat emergence survey to be undertaken should it be necessary to remove this tree.

Site restoration

104. The submitted restoration scheme seeks to provide areas of open water, marginal reedbed habitat, seasonally wet grassland, and neutral meadow grassland, all identified as being priority habitats in the MLP. Whilst NWT considers that the area of open water is too large, the County Council's Ecologist considers the restoration proposals to be broadly acceptable and the provision of varied microtopography in the reedbed, wet grassland and neutral meadow grassland areas on the eastern side of the site would provide additional benefits and interest.
105. The restoration proposals also include some vertical earth banks which would provide suitable habitat for kingfishers, whilst it has been confirmed that the unexcavated part of the site adjacent to the River Trent would also be restored to neutral meadow grassland, significantly increasing the area of this type of habitat being provided. The applicant has confirmed the seed mix to be used in these grassland areas which accords with consultants' recommendations.
106. A block of woodland planting originally proposed on the southern boundary of the site has been removed from the restoration plan as it would attract predators such as crows which would be to the detriment of breeding waders using the restored site. Ash has also been removed from the tree planting mix, given the continuing ash dieback problems, and has been replaced with oak and field maple.
107. A restoration condition is recommended which would require further detailed matters to be submitted, such as planting details, including reeds, in the marginal areas; details of underwater contours to ensure that shallow sloping margins and shallows are provided; and establishment methods and maintenance regimes for all planting, including soil reinstatement works. The provision of these details would accord with Policy M4.4 of the MLP.
108. It is recommended that a total of ten years of aftercare is provided, with five years of this being provided through a legal agreement. This would secure the long-term restoration of the site and would accord with Policy M4.11 of the MLP.

Legal Agreement

109. As detailed in the Observations Section above, a legal agreement would be required to secure the additional aftercare period and the HGV route. Such a legal agreement is already in place for the previous permission. Consideration

has also been given to the setting up of a liaison meeting through the legal agreement, as occurs at many quarries in the county, but, considering the lack of objections to the proposed development from local residents or the local parish councils, and given the limited impact the proposed quarry is expected to have on local residents, it is not considered necessary in this instance.

Other Options Considered

110. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

111. 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.

Financial Implications

112. The recommendation to grant planning permission is subject to the signing of a legal agreement but the applicant would be required to cover all reasonable costs incurred by the County Council in the preparation of this agreement.

Human Rights Implications

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

Implications for Sustainability and the Environment

114. These are considered in the Observations Section of this report.
115. There are no service user, equalities, crime and disorder, safeguarding of children or human resource implications.

Statement of Positive and Proactive Engagement

116. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant policies in the Nottinghamshire Minerals Local Plan and the National Planning Policy

Framework, including the accompanying technical guidance. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; and liaised with consultees to resolve issues and progress the application towards its timely determination. Issues of concern regarding ecological mitigation and the restoration scheme have been raised with the applicant and have been addressed through negotiation and acceptable amendments to the proposals requested through a Regulation 22 submission. 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

117. 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 Town and Country Planning Act 1990 to secure an additional five years of aftercare and the HGV route.
118. It is **FURTHER RECOMMENDED** that subject to the completion of the legal agreement before the 2 September 2015, or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 2 September 2015, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is **RECOMMENDED** that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

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

[SLB 08/05/2015]

Comments of the Service Director – Finance

The financial implications are set out in the report.

[SES 15/05/15]

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Southwell and Caunton Councillor Bruce Laughton

Collingham Councillor Maureen Dobson

Report Author/Case Officer

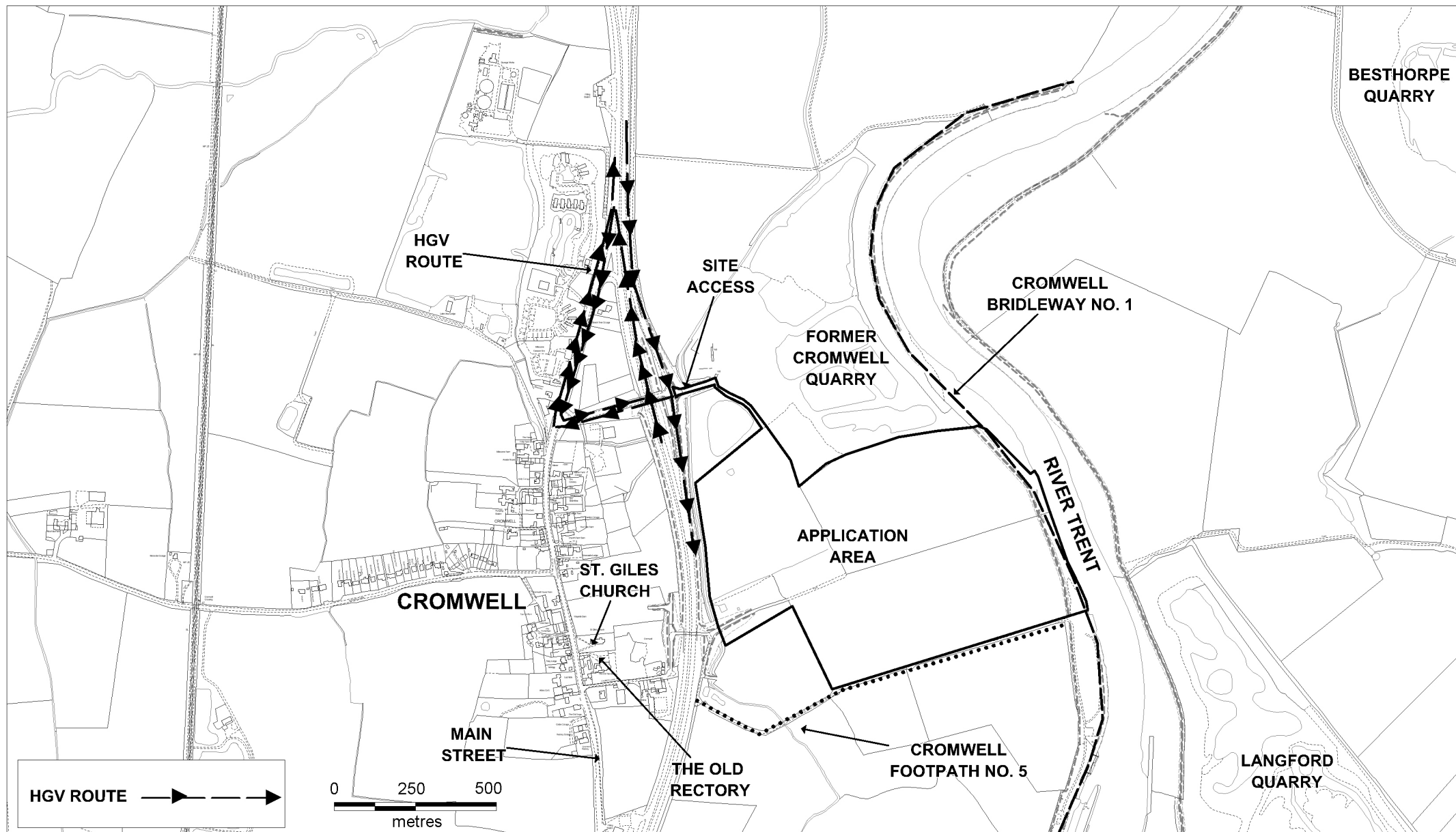
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**Nottinghamshire
County Council**

Re-submitted with new access - Application for a new planning permission to replace extant planning permission 3/03/02626 CMA in order to extend the time limit for implementation.
Cromwell Quarry, Land to the east of the A1, Slip Road A1, Cromwell, Newark, Nottinghamshire.
Planning Application No. 3/14/01995/CMA

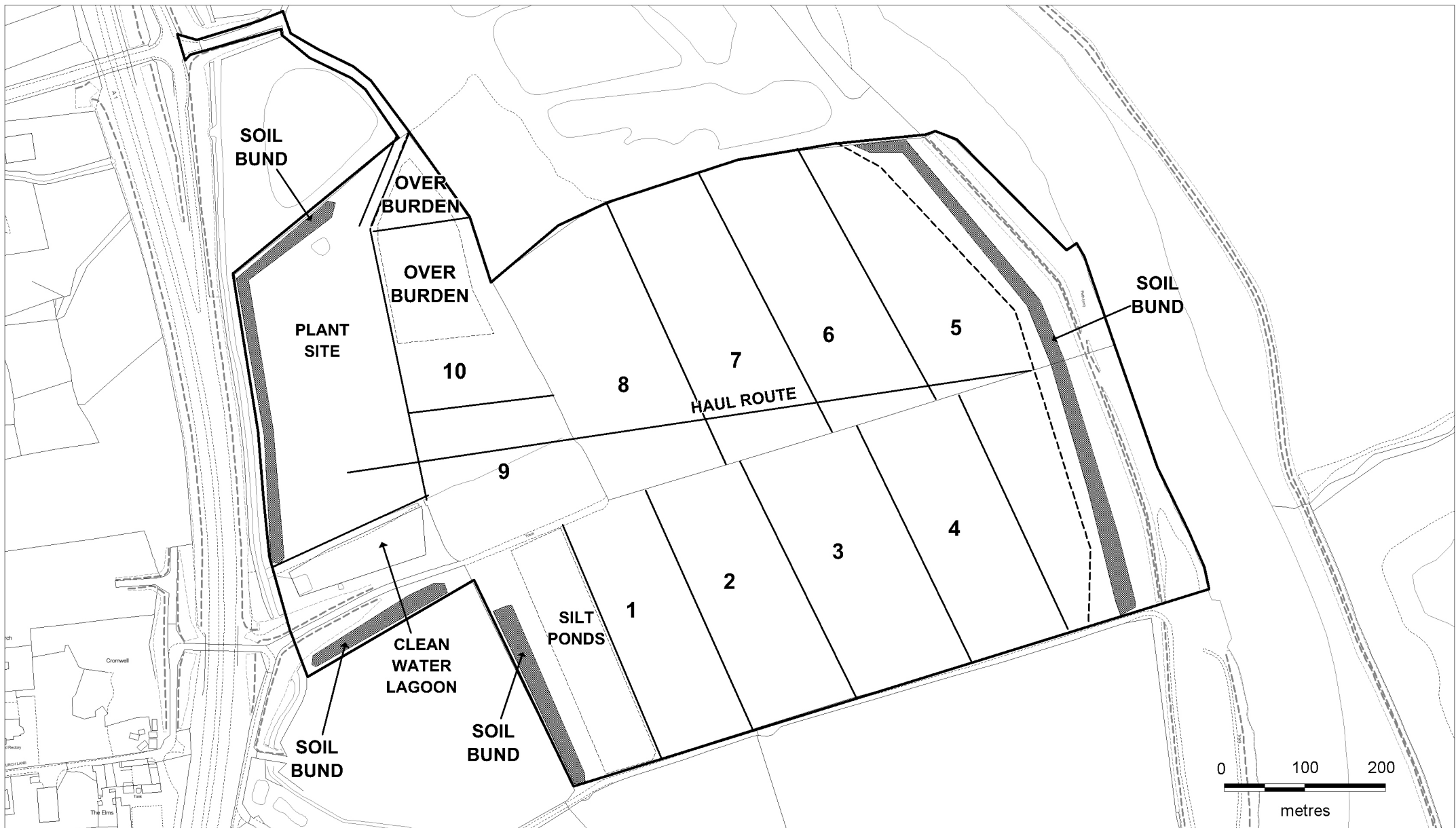
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Date: JUNE 2015

PLAN 1



**Nottinghamshire
County Council**

Re-submitted with new access - Application for a new planning permission to replace extant planning permission 3/03/02626 CMA in order to extend the time limit for implementation.
Cromwell Quarry, Land to the east of the A1, Slip Road A1, Cromwell, Newark, Nottinghamshire.
Planning Application No. 3/14/01995/CMA

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PLAN 2



RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall commence within 18 months of the date of this permission.

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

2. This planning permission is only for the extraction of sand and gravel together with the erection of a mobile processing plant and ancillary infrastructure within the area edged red on 'Drawing Number 14_C048_CROM_001 – Site Location' received by the Mineral Planning Authority (MPA) on 28 October 2014 and for the restoration of that land to a nature conservation lake, marginal reedbed habitat, seasonally wet grassland, neutral grassland and other associated habitat.

Reason: To define the permission and for the avoidance of doubt.

3. Except where amendments are made pursuant to the other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- (a) Planning application forms, planning statement and environmental statement received by the MPA on 28 October 2014;
- (b) Regulation 22 submission received by the MPA on 6 March 2015;
- (c) Drawing Number P1/1379/6G – Method of Working Initial Plant Site Set Up received by the MPA on 6 March 2015;
- (d) Drawing Number P1/1379/6G – Method of Working Phase 1 received by the MPA on 6 March 2015;
- (e) Drawing Number P1/1379/6G – Method of Working Phase 2 received by the MPA on 6 March 2015;
- (f) Drawing Number P1/1379/6G – Method of Working Phase 3 received by the MPA on 6 March 2015;
- (g) Drawing Number P1/1379/6G – Method of Working Phase 4 received by the MPA on 6 March 2015;
- (h) Drawing Number P1/1379/6G – Method of Working Phase 5 received by the MPA on 6 March 2015;
- (i) Drawing Number P1/1379/6G – Method of Working Phase 6 received by the MPA on 6 March 2015;

- (j) Drawing Number P1/1379/6G – Method of Working Phase 7 received by the MPA on 6 March 2015;
- (k) Drawing Number P1/1379/6G – Method of Working Phase 8 received by the MPA on 6 March 2015;
- (l) Drawing Number P1/1379/6G – Method of Working Phase 9 received by the MPA on 6 March 2015;
- (m) Drawing Number P1/1379/6G – Method of Working Phase 10 received by the MPA on 6 March 2015;
- (n) Drawing Number P1/1379/6G – Method of Working Working of Plant Site received by the MPA on 6 March 2015;
- (o) Drawing Number P1/1379/6G – Method of Working Restoration of Plant Site and Silt Lagoons received by the MPA on 6 March 2015;
- (p) Drawing Number P1/1379/6G – Method of Working Restoration of the Land and Silt Lagoons received by the MPA on 6 March 2015;
- (q) Drawing Number P1/1379/9/D – Restoration Plan received by the MPA on 6 March 2015.

Reason: To define the permission and for the avoidance of doubt.

4. No development shall take place until revised phasing plans to replace those plans numbered P1/1379/6G in Condition 3 above have been submitted to, and approved in writing by, the MPA. The revised phasing plans shall clearly identify all three existing ponds on the site as being retained and shall be annotated to show a ten metre buffer zone around each. The development shall subsequently be carried out in accordance with these revised phasing plans.

Reason: For the avoidance of doubt, to ensure the protection of protected species and their habitats in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan, and to allow for the phased extraction and restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

5. No excavation shall take place outside the extraction area as shown on the Method of Working Plans (Drawing Numbers P1/1379/6G – Initial Site Set Up through to Restoration of the Land and Silt Lagoons) received by the MPA on 6 March 2015.

Reason: To define the permission and for the avoidance of doubt.

6. From the commencement of the development to its completion a copy of this planning permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission shall always be available at the site offices for inspection by the MPA during normal working hours.

Reason: To enable an easy reference and to encourage compliance with the requirements of this permission.

7. The following dates shall be notified in writing to the MPA at least seven days prior to this planning permission being implemented.

- (a) The commencement of site preparation works;
- (b) The commencement of mineral extraction.

Reason: To enable adequate control of the development by the MPA and to minimise its impact on the amenities of the local area.

Duration

8. All mineral extraction shall cease on or before a date twelve years from the date of the commencement of mineral extraction, as notified under Condition 7 above. The MPA shall be notified in writing of the date when mineral extraction ceases within 14 days of its occurrence.

Reason: To minimise the duration of disturbance from the development hereby permitted, in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

9. All restoration operations in accordance with conditions 33-35 below shall be completed on or before a date thirteen years from the date of the commencement of mineral extraction, as notified under Condition 5 above.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Operations – Access and Initial Construction

10. All vehicles accessing and leaving the site shall only do so via the access road highlighted in yellow and marked as 'Access Road to the Quarry' on 'Drawing Number P1/1379/13 – Weighbridge Location Plan' received by the MPA on 12 February 2009 and approved in writing by the MPA on 15 May 2009. The access road shall be hard surfaced in accordance with details previously submitted to, and approved in writing by, the MPA which shall include details of the repair or resurfacing of that part of the access road previously used to access the former quarry to the north of the site. The access road shall be surfaced or resurfaced/repared in accordance with the approved details prior to any vehicles accessing and leaving the site and shall thereafter be maintained to the satisfaction of the MPA to ensure that no vehicle shall leave the site in a condition whereby mud or other deleterious material is trafficked onto the public highway.

Reason: In the interests of road safety, in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

11. Wheel cleaning facilities and procedures for outbound vehicles shall be provided in accordance with the document entitled 'Submission of Details under Condition 10 of Planning Permission 3/03/0262/CMA' received by the MPA on 29 September 2008 and approved in writing by the MPA on 15 May 2009.

Reason: In the interests of road safety, in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

12. All outbound vehicles shall use the wheel cleaning facilities and procedures approved under Condition 11 above and the wheel cleaning facilities shall be maintained in an effective state for the duration of the development so that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway.

Reason: In the interests of road safety, in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

13. All HGVs transporting minerals from the site shall be sheeted prior to leaving site.

Reason: In the interests of road safety, in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

Hours of Working

14. Except in emergencies, which are to be notified to the MPA within 48 hours of their occurrence, or with the prior written agreement of the MPA, the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays, Public and Bank Holidays
Mineral extraction, processing or treatment	7am to 7pm	7am to 1pm	Not at all
Stripping, replacement, regrading or ripping of soils or overburden	7am to 7pm	7am to 1pm	Not at all
Servicing, testing, or maintenance of plant or machinery	7am to 5pm	7am to 4pm	Not at all
Heavy goods vehicles entering and leaving the site	7am to 6pm	7am to 1pm	Not at all

Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

Operations

15. Notwithstanding the generality of Condition 5 above, there shall be no excavation within 45 metres measured horizontally from the landward toe of the floodbank adjacent to the River Trent.

Reason: To ensure that existing flood defences remain effective in accordance with Policy M3.9 of the Nottinghamshire Minerals Local Plan.

16. Only electric pumps shall be used when required to dewater the workings except in cases of emergency which shall be notified immediately to the MPA.

Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

17. All plant and machinery on site shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

18. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

19. Best practicable means shall be taken to minimise the generation of dust from operations at the site. These shall include, but not be restricted to, taking any or all of the following steps as appropriate.

(a) The use of water bowzers to dampen haul roads and other operational areas of the site;

(b) Upon request from the MPA, the temporary suspension of mineral extraction, soil and overburden stripping and replacement operations during periods of unfavourable dry and windy weather conditions.

Reason: To protect the amenities of local residents in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

20. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious 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 outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

21. All foul drainage must be contained within a sealed and watertight cesspit fitted with a level warning device.

Reason: To minimise the risk of pollution to the local water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

Processing Plant

22. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order for the time being in force, no fixed plant or machinery shall be erected on the site until full details of the processing plant, other plant and any ancillary buildings to be erected, including their location and colour of external surfaces, have been submitted to, and approved in writing by, the MPA. The height of the processing plant shall not exceed approximately 15 metres above the base of the plant site. The processing plant and ancillary buildings shall be erected in accordance with the approved details and shall thereafter be maintained to the satisfaction of the MPA for the duration of the development hereby permitted.

Reason: To minimise any visual impact from the development in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

23. The processing plant shall be removed from the site upon the completion of mineral extraction operations, to be notified in accordance with Condition 8 above, and all other plant, ancillary buildings and associated structures removed from the site within 12 months of the completion of mineral extraction.

Reason: In the interest of visual amenity in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

24. No floodlighting or security lighting shall be used on site except in accordance with details previously submitted to, and approved in writing by, the MPA. The details shall ensure that the floodlighting or security lighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land. The floodlighting and security lighting shall not be used outside the hours of operations detailed in Condition 14 above. Outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding five minutes. The floodlighting and security lighting shall be implemented and maintained in accordance with the approved details for the life of the development hereby permitted.

Reason: To minimise the visual intrusion of the development in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Archaeology

25. Archaeological works at the site, and the reporting of findings to the MPA, shall be carried out in accordance with the Trent and Peak Archaeology document entitled 'Archaeological General Project Design for Sand and Gravel Extraction at Land East of Cromwell, Nottinghamshire' received by the MPA on 12 August 2009.

Reason: To ensure that adequate archaeological investigation and recording is undertaken in accordance with Policy M3.24 of the Nottinghamshire Minerals Local Plan.

Protected Species Mitigation Plan

26. No development shall commence until a Protected Species Mitigation Plan, based on the mitigation measures proposed in the Ecological Appraisal and Impact Assessment received by the MPA on 28 October 2014, has been submitted to, and approved in writing by, the MPA. The Mitigation Plan shall include details of the following:

- (a) Details of the fencing, including its type and precise location, to be used to fence off ten-metre buffer zones around the three existing ponds on the site in order to retain suitable amphibian and reptile habitat on site throughout the development hereby permitted;
- (b) Details of the fencing, including its type and precise location, to be used to fence off the eastern side of the site to prevent reptiles along the river corridor from entering the working quarry;
- (c) Details of the management of the three ponds and their ten-metre buffer zones to ensure the provision of suitable amphibian and reptile habitat throughout the development hereby permitted, including details of the monitoring of the levels and the quality of the water in the ponds;
- (d) Details of purpose built hibernacula to be provided in the buffer zones around each of the three ponds;
- (e) Details of the hand searching, including the timing of such hand searching, of each phase for amphibians and reptiles to be undertaken prior to any works commencing in that phase;
- (f) Details of the capture and translocation of any amphibians and reptiles discovered as a result of the hand searching undertaken in accordance with (d) above;
- (g) Details of pre-commencement checks of each phase to be undertaken for badgers prior to any works commencing in that phase;

- (h) Details of the measures to be undertaken to ensure that any vegetation in operational areas, and areas which have been previously hand searched and which are soon to become operational, is maintained as a very short sward or bare earth to deter amphibians and reptiles from entering these areas;
- (i) Details of all hedgerows, trees and shrubs within and on the boundary of the site which are to be retained, protected, enhanced and managed for the duration of the development hereby permitted and the subsequent aftercare period, including a plan which clearly identifies those hedgerows, trees and shrubs which are to be lost, and those which are to be retained, in addition to details of the measures to be used to protect retained vegetation, including the provision of suitable stand-off distances from operations on site and/or the use of protective fencing;
- (j) Details of the management of those hedgerows to be retained on site, including the frequency of strimming, in order to increase their size and density in order to provide enhanced habitat for birds and foraging habitat for bats;
- (k) Details of the protective barrier fencing to be erected between quarry operations and all hedgerows and trees to be retained on site, including details of their maintenance throughout the life of the development hereby approved, in order to prevent damage to hedgerow and trees from machinery;
- (l) Details of the provision of rough grassland banks on non-operational areas of the site, including details of the areas to be affected, the seed mix to be used, its rate of sowing, and its subsequent maintenance throughout the life of the development hereby approved;
- (m) Details of the provision of 10 metre wide field margins on all phases yet to be worked which shall be seeded with high energy rapid establishment seed mixes, the details to include the subsequent management of these margins until such time as that phase becomes operational;

Reason: To provide suitable protection and habitats for protected species on the site in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan.

Protected species

- 27. Should there be a need to remove the tree identified on the Method of Working Plans (Drawing Number P1/1379/6G), as superseded through the submission under Condition 4 above, no works to the tree shall be undertaken until it has been the subject of a full bat emergence survey, undertaken in accordance with details previously submitted to, and approved in writing by, the MPA. The survey shall be carried out in accordance with the approved details and, should the presence of roosting bats in the tree be identified, details of mitigation measures to be implemented prior to the removal of the tree shall be submitted

to the MPA for its approval in writing. The approved mitigation measures shall be implemented in accordance with the approved details prior to the tree being removed.

Reason: To provide the necessary conservation of protected species in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan.

Soil Handling

28. Soil handling on the site shall be carried out in accordance with the Method of Working Plans submitted and approved under Condition 4 above and the document entitled 'Cromwell Soil Handling Scheme' submitted as part of the Regulation 22 submission received by the MPA on 6 March 2015, except with respect to the seeding of soil mounds which shall be carried out in accordance with the details to be submitted pursuant to Condition 32 below.

Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

29. No turf, topsoil, subsoil, or overburden shall be removed from the site. No waste materials, including soils and mineral working wastes, shall be brought onto the site.

Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

30. Site clearance operations that involve the removal and destruction of vegetation shall not be undertaken during the months of March to August inclusive except following the carrying out of a walkover survey of the affected area by a suitably qualified ecologist in accordance with details which have been previously submitted to, and approved in writing by, the MPA.

Reason: In the interests of protecting species and their habitats in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan.

31. Soil stripping and replacement operations in each phase of the development shall not commence until at least seven working days after the MPA have been notified of such operations in writing.

Reason: To enable adequate control of the development by the MPA and to ensure compliance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

32. No development shall commence until a scheme for the seeding, establishment and maintenance of all soil and overburden storage mounds that remain in situ for more than six months, or over winter, has been submitted to, and approved in writing by, the MPA. The scheme shall provide for the seeding of the mounds

with high energy rapid establishment seed mixes that attract high levels of invertebrates for the benefit of foraging bats, farmland birds and reptiles. The scheme shall be implemented in accordance with the approved details and soil and overburden mounds shall be maintained in accordance with the approved scheme.

Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Restoration

33. The application site shall be subject to a phased restoration in order to achieve a final restoration which accords with the details, including final contours, shown on Drawing Number P1/1379/9/D – Restoration Plan received by the MPA on 6 March 2015.

Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the area and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

34. Prior to the replacement of any overburden and topsoil within any phase of the site in accordance with the soil-handling programme approved under Condition 27 above, a topographical survey of the site, showing the surface contours of the replaced overburden in that phase, shall have been submitted to, and approved in writing by, the MPA.

Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the area and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

35. No restoration works shall be undertaken within any phase until detailed restoration proposals have been submitted to, and approved in writing by, the MPA. The details shall include the following:

- (a) Full details of the seeding of tree and scrub planting areas; seasonally wet grassland areas; and neutral meadow grassland areas, including full seed mixes, sowing rates, establishment methods and maintenance regimes;
- (b) Full details of the planting of the aquatic margins/reedbed areas, including species, numbers, positions, establishment and maintenance regimes;
- (c) Underwater contours for the nature conservation lake to provide for shallow sloping margins and shallows.

The detailed restoration proposals shall be submitted for approval in advance of the completion of mineral extraction in that particular phase so that seeding and

planting can be carried out in the first seeding and planting seasons following the replacement of soils in that phase. The site shall be restored in accordance with the approved details.

Reason: To ensure the site is restored to a condition capable of beneficial ecological afteruse at the earliest possible date in the interests of protected species in the area and in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Aftercare

36. Following the restoration of any phase of the site, that phase shall undergo aftercare management for a 5 year period.

Reason: To provide for the aftercare of the restored site in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

37. Prior to any phase being entered into aftercare, the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year aftercare period shall run from the agreed date.

Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

38. An aftercare scheme and strategy for each phase shall be submitted for the written approval of the MPA at the same time as restoration details for that phase are submitted under Condition 35 above. The aftercare scheme and strategy shall outline the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to its intended restored afteruse. The aftercare scheme shall include, but not be restricted to, details of the following:

- (a) Cultivations;
- (b) Weed control;
- (c) Sowing of seed mixtures;
- (d) Soil analysis;
- (e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 October and 31 December of each year;
- (f) Drainage provision;
- (g) Management practices such as the cutting of vegetation;
- (h) Tree protection and replacement;
- (i) Remedial treatments;

- (j) Fencing;
- (k) Proposals for a survey visit by a suitably qualified ecologist, to be undertaken in year 5, to assess the ecological interest of the site, including their habitats, flora and fauna, to inform management practices for the additional periods of aftercare secured through the legal agreement; and
- (l) A report detailing the findings of the survey visit referred to in (l) above, to be submitted to the MPA before the end of year 5.

Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

- 39. Site management meetings shall be held with the MPA each year to determine the detailed annual programmes of aftercare operations referred to in Condition 38(e) above, having regard to the condition of the land and progress in its rehabilitation.

Reason: To enable adequate control of the development by the MPA and to ensure compliance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.

- 40. The aftercare programme for each phase of the site shall be implemented in accordance with the details approved under Condition 38 above, as amended following the annual site meeting referred to in Condition 39 above.

Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the area and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Alternative Restoration

- 41. Should, for any reason, mineral extraction from 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 MPA, a revised scheme for the restoration of the site shall be submitted to, for approval in writing by, the MPA. Such a scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

Reason: To ensure that should mineral extraction ceases prior to the phased closure of the quarry interim restoration measures progress to reduce environmental impacts and to ensure compliance with Policy M4.7 of the Nottinghamshire Minerals Local Plan.

- 42. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 36-40 above.

Reason: To ensure that should mineral extraction ceases prior to the phased closure of the quarry interim restoration measures progress to reduce environmental impacts and to ensure compliance with Policy M4.7 of the Nottinghamshire Minerals Local Plan.

Notes to applicant/informatives

Your attention is drawn to the consultation response from the Environment Agency dated 5 June 2014, a copy of which is attached to this decision notice.

2 June 2015**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****ANNUAL REPORT ON PLANNING MONITORING AND ENFORCEMENT
WORK – 1 APRIL 2014 TO 31 MARCH 2015****Purpose of Report**

1. To update Members on the monitoring and enforcement work carried out during the financial year 2014/15 and to provide updates regarding notices served.

Enforcement and Monitoring Work 1 April 2014 – 31 March 2015

2. Details of the enforcement and monitoring work for the report period are set out in Appendix 1 and details of notices served in Appendix 2. The number of inspections carried out during the report period (previous years figures in brackets) was **342** (436), of which **335** (423) related to 'County Matter' development (minerals and waste) and **7** (13) were related to County Council Development sites. Of the County Matter development monitoring visits **147** (159) were undertaken to mineral and waste sites and charged under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006. The fees generated from these inspections was **£48,326**. This compares with figures of £52,462 for 2013/14, £49,765 for 2012/13, £48,118 for 2011/12.
3. The drop in the overall number of inspections over the last year and previous years reflects the reduction in capacity arising from the reduction of a post within the monitoring and enforcement team. The situation has been further exacerbated in this financial year due to a member of staff leaving and a vacancy running for over 4 months of the report period. The reduction in monitoring staff has also resulted in staff being directed to specific problem sites and thereby dropping a considerable amount of routine monitoring of sites. Staff also assist with planning applications, amendments and submissions made under condition to ensure that statutory timescales and nationally set performance indicators are met.
3. In the last year a total of **65** complaints were received alleging breaches of planning control. **88%** (57) of these were acknowledged within 3 working days, below the local performance indicator of 95%. **77%** (50) of these complaints were the subject of a site inspection within 3 days (where necessary), again below the local indicator of 90% and **69%** (45) of complainants were notified of

progress relating to their complaints within 15 working days. Of the **65** complaints received during the report period **55** related to County Matter development and **10** related to the County Council's own development. A breakdown of the distribution of complaints by District is set out in Appendix 1. The development involving an extension to Gamston Pierrepont School accounts for seven of the complaints in Rushcliffe and the Quarry Farm Waste Transfer station accounts for six in Newark and Sherwood. The Quarry Farm site has been subject to formal enforcement action and this is detailed below.

Notices Served During Report Period 1 April 2014 – 31 March 2015

4. Details of the various statutory notices served during the report period are set out in the appendices. In summary **one** enforcement notice and **10** Planning Contravention Notices were served during the report period. Details of the enforcement notice served are outlined below and a resume of all notices is contained in Appendix 2.

Enforcement Notice

Land at Waste Transfer Station, Unit 6, Quarry Farm, Bowbridge Lane, Balderton

5. This waste transfer station is located in the small industrial area at Quarry Farm to the south of Newark, there are however three residential properties in the locality. The site has a long and chequered history in terms of waste development and compliance with planning control and a number of planning permissions have been granted in the past for the erection of waste buildings, offices, fencing and other associated infrastructure extending the original site. The current controls on the site are now under a single planning permission granted in May 2012 which regularised ongoing development and brought together control under a single planning permission
6. The operations at the site have been subject to regular complaints in the past. The site has been operated by a number of companies over the years and more recently by RWR Recycling. RWR ceased operating the site in late 2013/early 2014 and the site was left clear of waste and inactive. However the site was sub-let to a company called Recoverable Energy Solutions (RES) in late 2014. Complaints were received alleging various breaches of planning control including out of hours operation and other issues associated with the waste types being imported and the parts of the site being used for waste storage. These issues were raised with RES and whilst some steps were taken to resolve the breaches they were not entirely resolved. Planning Contravention Notices were served on the owner (RWR) and operator (RES). Despite this the breaches of planning control continued. It should be noted that following liaison with the Environment Agency (EA) and in response to information collected by enforcement and monitoring staff that this site and another in the locality became the subject of an investigation by the EA's National Crime Team. In order to allow the EA's investigations to continue, enforcement of the waste types was not pursued at the time. As a result of the EA's operation arrests were subsequently made. The EA's investigation is still ongoing.

7. In light of the continuing failure of the operator to take steps to comply with the permitted hours and the ongoing complaints it was considered expedient to serve an enforcement notice to secure compliance with the permitted hours. The service of this notice was discussed with the EA to ensure that this did not impact on their ongoing investigation. The enforcement notice was served and steps were taken immediately to stop the out of hours operations. Shortly after this the ongoing operations on the site ceased when RES's site manager was arrested as part of the EA investigation. The enforcement notice has now taken effect. Discussions are ongoing with the RWR to secure the removal of the waste left on site by RES and another waste haulier. RWR as landowner have removed the majority of the unacceptable mixed waste brought onto the site and are in the process of arranging for a large amount of pelletised plastic retained in bags to be removed.

UPDATE ON PREVIOUS ENFORCEMENT NOTICES

Sandy Lane Waste Transfer Facility, Sandy Lane, Worksop

8. The site at Sandy Lane was operated by Worksop Waste Services and is effectively a single site operated under two permissions one for a materials recycling facility on one side and inert recycling facility on the other. There had been issues with the operation of the site for some time, but some progress was made to bring matters back into compliance. However, throughout 2013 it appeared that the operator of the site had been importing more waste than it could reasonably handle at the facility and as a result excess material was stockpiled on both parts of the site. The efficient operation of the site had been severely restricted by the volume of material on site and various conditions breached. The site had generated complaints in terms of visual impact and dust.
9. The site continued to operate, but the operator did not take any steps were taken to address the ongoing breaches of planning control. As a result two enforcement notices were issued on 5 November 2013 requiring compliance with various conditions attached to each of the two planning permissions. One relating to the materials recycling site required the deposit of waste materials outside the building to cease, the processing of material outside the building to cease, the storage of waste materials outside the building to cease, for waste to be stored in designated bays and for measures to be employed to control litter and dust. The second notice related to the inert recycling area required the import of non-inert waste to this land to cease, for all non-inert waste to be removed, for waste to be stored in the approved area, for waste to be removed from adjacent to the railway boundary, for various surface and drainage features to be provided, for the construction and seeding of a screening bund and reduction of the stockpile heights.
10. Following the service of the enforcement notices Worksop Waste Services Limited went into administration. However, the assets of the company were bought back by those previously involved in the operation of the site and the site was operated under the new name of Worksop Waste Limited.
11. Negotiations to secure compliance with the enforcement notices continued and a limited amount of progress was made. In September 2014 a new company

Tees Valley Recycling became involved in the site with a view to operating it in conjunction with Worksop Waste Limited initially and then taking the site over. Tees Valley Recycling gave a commitment to work to secure compliance with the enforcement notices. Tees Valley undertook works to comply with the enforcement notice relating to the material recycling building by removing the waste and this part of the site was brought back broadly into compliance with the planning permission in December 2014.

12. Worksop Waste Limited no longer have any involvement in the site and it is now operating under the name of Trent Valley Recycling. Works are currently ongoing to comply with the enforcement notice relating to the inert site. However, problems have begun to reoccur on the material recycling site and complaints about the operation have started to be received again. This remains under investigation and review.

Land at Henning Lane, Sutton in Ashfield

13. Complaints were received about the unauthorised use of land situated off Henning Lane, Sutton in Ashfield for the importation, storage, processing, breaking, treatment and dismantling of vehicles and vehicle parts. The land lies immediately adjacent to a public right of way off an unsurfaced track which then links to the drive running past Mapplewells School. The land is owned by the County Council, but is included within the land which is leased to FCC Environment Limited as part of the nearby closed Sutton Landfill site. The activity had been carried out by a Mr Marriott without the approval of either the Council as landowner or FCC as holder of the lease for the land. It is understood that this activity has been ongoing for a number of years and had increased in scale over the last 2 years.
14. This breach of planning control was raised with Mr Marriott and assurances were given that the vehicles and their parts would be removed within an agreed timescale. The land was not cleared within the agreed timescale and as such an enforcement notice was served in December 2013 requiring the importation of vehicles and vehicle parts to cease, for the treatment and dismantling of the vehicles to cease and for the vehicles and the associated vehicle parts to be cleared from the land.
15. The enforcement notice has taken effect and to date no evidence of further vehicles having been brought to the site has been collected. The clearance of the site was not undertaken within the specified timescales. However, after further discussions with Mr Marriott, the site has been cleared of end of life vehicles and vehicle parts. A number of structures/sheds and caravans remain on the land which are used by Mr Marriott to house chickens and goats as he uses the land for grazing animals. Whilst this is not particularly tidy it is an agricultural activity and not part of the waste activity subject to the enforcement notice.
16. The site will be kept under review to confirm that the notice continues to be complied with.

Land at Twitch Farm, Hollowdyke Lane, Balderton

17. The enforcement notices relating to the above land were upheld on appeal in 2009 and required the use of the land as a scrapyards to cease. The requirements of the enforcement notice were not met within the compliance period. This matter was being pursued with the company owning the land but they went into administration in 2011. The land was subsequently bought from the liquidators by another company, Jojo Properties in June 2012. Contact was made with the new owner who has given a commitment to comply with the requirements of the enforcement notice. Whilst some progress has been made to clear the site, including the removal of the majority of the complete vehicles and a number of the vehicle parts, the notice has not yet been complied with. More recently complaints have been received alleging that the site is being brought back into use. Efforts have again been made to contact the owner but they have not responded to any correspondence. In light of the lack of response and progress and the more recent concerns a decision will need to be made shortly on how best to take matters forward to finally secure compliance with the enforcement notice.

Shireoaks Road Waste Transfer Station, Worksop

18. Members will recall that the above site was subject to enforcement action after a series of fires at the site in 2013. In early 2014 the operator, NRL, went into administration. The externally stored non-inert waste had not been removed as required by the enforcement notice.
19. The operations of the site were discussed at length with the Administrators and during their period of operation they undertook ongoing monitoring of the retained non-inert waste to reduce the potential for a further fire and also managed runoff from the material. The site was sold by the Administrators in January 2015 to a company belonging to the Associated Waste Group. Meetings have taken place with the new owners and the EA. The new company has indicated that they intend to recommence operations on the site and to comply with enforcement notice. However, this work is subject to being able to operate the site in the intervening period and will require the removal of the suspension notice placed on the site by the EA. Requests have been made to the new operator to detail how they intend to comply with the enforcement notice and the timescales, a response is awaited. Separately some further waste has also been brought onto the site and stored outside the permitted area, this is also subject to ongoing investigation.

Statutory and Policy Implications

35. 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.

Equal Opportunity Implications

36. Enforcement and monitoring works takes into account equal opportunity issues.

Crime and Disorder Implications

37. Enforcement and monitoring work takes into account issues relating to crime and disorder

RECOMMENDATIONS

36.

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

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

[.]

Comments of the Service Director - Finance (SES 20/05/15)

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

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer

Tim Turner

0115 993 2585

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

18 May 2015

ENFORCEMENT AND MONITORING

SUMMARY OF STATUTORY NOTICES SERVED AND ENVIRONMENTAL COMPLAINTS RECEIVED 01/04/14 - 31/03/15

<u>Statutory Notices</u>		<u>Environmental Complaints received within the report period</u>	
Planning Contravention Notices served in report period	10	Bassetlaw	6
Breach of Condition Notices served in report period	0	Mansfield	8
Enforcement Notices served in report period	1	Newark and Sherwood	14
Stop Notices served in report period	0	Ashfield	5
Temporary Stop Notices served in report period	0	Broxtowe	6
		Gedling	7
		Rushcliffe	19
		Total:	65

ENFORCEMENT NOTICES SERVED 01/04/14 – 31/03/15

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Land at Waste transfer Station, Unit 6, Quarry Farm, Bowbridge Lane, New Balderton	Non-compliance with condition relating to the permitted hours of operation	4 March 2015	The notice requires the permitted hours to be complied with. Since the service of the notice the tenant who breached the permitted hours has been removed from site and the condition has been complied with.

NO BREACH OF CONDITION NOTICES SERVED DURING PERIOD 01/04/14 – 31/03/15

PLANNING CONTRAVENTION NOTICES SERVED 01/04/14 – 31/03/15

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Land at Bentinck Colliery Spoil Heap. Park Lane, Bentinck, Kirkby in Ashfield	Without planning permission making a material change in the use of the land for a use for the importation and deposit of waste	6 June 2014	The notice was returned by the recipient and condition precedents for tipping permission granted on the site were subsequently submitted and approved.
Land at Woburn Lane, Pleasley, Mansfield	Without planning permission carrying out mining operations involving the winning, working and processing of minerals	24 June 2014	The notice was returned by the recipient, works stopped and an application has been submitted and is currently under consideration.

APPENDIX 2

PLANNING CONTRAVENTION NOTICES SERVED 01/04/14 – 31/03/15 (CONT.)

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Land at Scotland Farm, Ollerton Road, Carburton, Worksop	Without planning permission making a material change in the use of the land to a mixed use of waste development and general storage	27 June 2014	The notice was returned by the recipient. Works to remove the waste use at the site as now largely complete and a LDC application has been submitted to regularise the 'district matter' breaches.
Land at Bilsthorpe Landfill, Bilsthorpe	Non-compliance with restoration conditions attached to the landfill planning permission	8 July 2014	The notice was returned by the recipient. A planning application was submitted to address the breaches and revise restoration. This has now been granted.
Land at Patchwork Farm, North Scarle Road, Wigsley	Without planning permission making a material change in the use of the land for the importation and deposit of waste	17 December 2014	The notice was returned by the recipient. No further waste development has taken place and the land is currently for sale.
Land at waste Transfer Station, Unit 6, Quarry Farm, Bowbridge Lane, New Balderton (sent to 2 recipients)	Non-compliance with planning conditions attached to planning permission	21 January 2015	The notice was returned by the recipient. An enforcement notice has now been served against the breach of the permitted hours and steps are ongoing to remove waste stored outside the permitted areas.
Land at 293 Bowbridge Road, Balderton	Without planning permission making a material change in the use of the land to the deposit and storage of waste materials	19 January 2015	The notice was returned by the recipient and advising they had no interest in the land but provided details of other parties.
Land at 293 Bowbridge Road, Balderton (sent to 2 recipients)	Without planning permission making a material change in the use of the land to the deposit and storage of waste materials	25 February 2015	The notices have not been returned and warning letter sent. Enforcement action is currently under preparation.

Appendix 2

02 June 2015**Agenda Item:13****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****DEVELOPMENT MANAGEMENT PROGRESS REPORT**

1. To report on planning applications received in the Department between 1st April and 8th May 2015, to confirm the decisions made on planning applications since the last report to Members on 28 April 2015.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period.
3. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Statutory and Policy Implications

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

RECOMMENDATIONS

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

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

Constitutional Comments

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report. [HD – 11/05/2015]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [SS – 11/05/2015]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Ruth Kinsey
0115 9932584

Planning Applications Received and Determined
From 1st April 2015 to 8th May 2015

Division	Member	Received	Determined
BASSETLAW			
Misterton	Cllr Liz Yates		Planning application for a 56 Hectare extension to and re phasing of existing sand and gravel extraction, including use of existing processing plant with restoration to a mixture of agriculture and woodland. Finningley Quarry, Croft Road, Finningley, Doncaster. Granted 08/04/2015 (Committee)
Tuxford	Cllr John Ogle		To vary condition 2 of planning permission 1/38/11/00004 to extend the timescales associated with the final restoration to 31/12/2015 for completion of earthwork restorations and 31/03/2016 for final restoration and landscaping. Rampton Quarry, Torksey Ferry Road, Rampton. Granted 08/04/2015

Division	Member	Received	Determined
Tuxford	Cllr John Ogle		To vary conditions 2 and 25 of planning permission 14/00906/CDM to extend timescales associated with final restoration to 31/12/2015 for completion of earthwork operations and 31/03/2016 for final restoration and landscaping. Rampton Quarry, Torksey Ferry Road, Rampton. Granted 08/04/2015
Misterton	Cllr Liz Yates	Variation of conditions 24 and 70 of planning permission 1/32/05/0006 to enable the continued use of the minerals storage and processing area in connection with the continuing extraction of minerals permitted by permission 1/13/01145/CDM granted 4/12/2013 Misson Sand Quarry, Bawtry Road, Misson. Received 09/04/2015	

Division	Member	Received	Determined
Blyth & Harworth	Cllr Sheila Place	Retrospective planning application for the temporary siting of a welfare unit, secure compound and slave tankers. Harworth Colliery Spoil Tip, Blyth Road, Harworth. Received 21/04/2015	
Blyth & Harworth	Cllr Sheila Place		Erecting a prefabricated pre-school nursery, Land Adjacent to Thoresby Close, Harworth. Granted 21/04/2015
MANSFIELD			
Mansfield South	Cllr Stephen Garner Cllr Andy Sissons	Partial demolition of brick buildings; conversion to/rebuilding as single storey office and staff facilities ancillary to the existing waste management business (metal recycling); extension of existing metal processing shed. Units 8-10, Sibthorpe Street, Mansfield. Received 04/05/2015	

Division	Member	Received	Determined
Mansfield West	Cllr Darren Langton Cllr Diana Meale		Demolition of temporary single storey double classroom building and erection of a replacement permanent single storey freestanding double classroom in the same location, with amenity lighting and associated landscaping works and drainage. Farmilo Primary and Nursery School, Woburn Road, Pleasley. Granted 05/05/2015
NEWARK & SHERWOOD			
Ollerton	Cllr Mike Pringle		Fenced compound to be used to store and process construction and demolition waste to produce soil and construction aggregates using mobile plant. Land adjacent to Unit 71, Road A, Boughton Industrial Estate, Boughton. Withdrawn 21/04/2015
Rufford	Cllr John Peck		Demolition and restoration of Sherwood Forest Visitor Centre, Sherwood Forest Visitor Centre, Edwinstowe. Returned 24/04/2015 The application has been re-submitted to Newark & Sherwood District Council for a decision.

Division	Member	Received	Determined
Farndon & Muskham	Cllr Mrs Sue Saddington		Erection of a prefabricated building for use as a 30 place pre-school nursery. Land to the rear of Memorial Hall, Marsh Lane, Farndon. Granted 28/04/2015 (Committee)
Farnsfield & Lowdham	Cllr Roger Jackson		Variation of Condition 6 of Planning Permission 3/14/00348/CMA to allow an increase to the annual maximum throughput of the site from 30,000 tonnes to 55,000 tonnes per annum. Oxton Composting Site Grange Farm, Ollerton Road, Oxton. Granted 29/04/2015 (Committee)
ASHFIELD			
Sutton in Ashfield East	Cllr Steve Carroll		Erection of a single storey classroom. Retain the existing modular classroom (Application Reference No.: 4/V/2012/0217) with replacement of fascias, gutters and rainwater pipes. Hillocks Primary School, The Hillocks, Unwin Road, Sutton in Ashfield. Granted 10/04/2015
BROXTOWE -			

Division	Member	Received	Determined
Chilwell & Toton	Cllr John Doddy Cllr Richard Jackson	The removal of the existing chain link fencing and concrete posts and the timber close boarded fencing. The installation of 2030mm high Pallas security fencing and 2030mm high Pallas security pedestrian and vehicle gates. Banks Road Infant School, Banks Road, Toton. Received 16/04/2015	
Chilwell & Toton	Cllr John Doddy Cllr Richard Jackson		Entrance remodelling and provision of wrap around care facility. Banks Road Infant and Nursery School, Banks Road, Toton. Granted 22/04/2015
Eastwood	Cllr Keith Longdon		Design and construction of concrete skatepark. Coronation Park, Plumpton Way, Eastwood. Granted 28/04/2015 (Committee)

Division	Member	Received	Determined
Bramcote & Stapleford	Cllr Stan Heptinstall Cllr Jacky Williams	The removal of the existing chain link fencing and concrete posts, the removal of the existing pedestrian and vehicle gates. The installation of 2030mm high Pallas security fencing and 2030mm high Pallas security pedestrian and vehicle gates. The repositioning of the vehicle access. St John's C of E Primary School playing field located between Nottingham Road, West Avenue, Copeland Avenue, Stapleford. Received 07/05/2015	
GEDLING			
Carlton West	Cllr Jim Creamer Cllr Darrell Pulk	Internal refurbishment works and outdoor play area and external over cladding of clasp block. Parkdale Primary School, Parkdale Road, Carlton. Received 08/04/2015	
Arnold North	Cllr Pauline Allan Cllr Michael Payne		Erection of single classroom, new path and ramp with additional car parking alterations, new gate and fencing. Pinewood Infants and Nursery School, Pinewood Avenue, Arnold. Granted 08/04/2015

Division	Member	Received	Determined
Calverton	Cllr Boyd Elliott	Improvements to Springwater Golf Club including the conversion of the practice range into a 6 hole Par 3 course; relocation and raising of 10th Tee and widening and lengthening of the 17th fairway using site derived and imported soils. Springwater Golf Club, Moor Lane, Calverton. Received 20/04/2015	
Arnold North	Cllr Pauline Allan Cllr Michael Payne		Extension and alteration to existing school and provision of new double modular classroom. Provision of replacement storage unit. Provision of car parking and tarmacing of existing access, fencing and lighting, including access path and ramp. Robert Mellors Primary School, Bonington Drive, Arnold. Granted 24/04/2015

Division	Member	Received	Determined
Calverton	Cllr Boyd Elliott	Erection of single storey 60 place freestanding double Classroom incorporating canopy connection to existing school buildings, demolition of 1 no. stone entrance gate pillar and adjacent handrails and their reconstruction to match existing, hardpaved landscaping and access ramp construction, and erection of covered outdoor play area. Lambley Primary School, Catfoot Lane, Lambley. Received 28/04/2015	
Carlton East	Cllr Nicki Brooks Cllr John Clarke	Change of use of existing workshop and office building to offices. Elevation alterations to insert various windows, erection of canopy to front. Entrance doors together with fire escape stair to the rear of the building. "Toton Building", Private Road No4, Colwick Industrial Estate, Colwick. Received 29/04/2015	
Carlton West	Cllr Jim Creamer Cllr Darrell Pulk		Erection of new single classroom extensions to both Central Infant and Central Junior School and car park extension to Central Junior School, Foxhill Road East, Carlton. Granted 01/05/2015

Division	Member	Received	Determined
Newstead	Cllr Chris Barnfather		Retention of a new visitor's car park constructed at Bestwood II Quarry, Mansfield Road, Papplewick. Granted 05/05/2015
RUSHCLIFFE			
Bingham	Cllr Martin Suthers		Proposed enclosure of open courtyard and associated works, Carnarvon Primary School, Nursery Road, Bingham. Granted 24/04/2015

2 June 2015

Agenda Item:14

REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND CORPORATE SERVICES

WORK PROGRAMME

Purpose of the Report

1. To consider the Committee's work programme for 2015.

Information and Advice

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

Other Options Considered

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

Reason/s for Recommendation/s

5. To keep Members of the Committee informed about future business of the Committee.

Statutory and Policy Implications

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

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward
Corporate Director- Policy, Planning and Corporate Services

For any enquiries about this report please contact: David Forster, Democratic Services Officer

Constitutional Comments (HD)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

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

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
30 June 2015	4/V/2015/0159	John Davies Primary & Nursery School, Barker Street, Sutton-in-Ashfield	Erection of two storey replacement 350 place primary school, replacement car parking, cycle parking & lighting. Re-use of weldmesh fencing. Sprinkler tank, pump house & bin store with 3.5m & 2.5m high timber enclosure. Demolition of existing school building to be replaced by hard play & areas of hard & soft landscape to cleared sites.
30 June 2015	1/15/00368/CDM	Land east of Snape Lane, Harworth	Proposed change of use for a waste metal recycling facility with external storage for plant and machinery, covered storage bays, weighbridge, portable accommodation & new temporary workshop/store & retrospective application for new estate road
30 June 2015	2/2015/0188/NT	Land north of Woburn Lane, Pleasley, Mansfield	Proposed levelling of land to create football/training pitches involving extraction & processing of sandstone/limestone for a temporary period of 3 months.
30 June 2015	4/V/2014/0603	Plots 10,11,12,13,14 and 16 Wigwam Lane, Hucknall	Use of site off Wigwam Lane for the recycling of inert materials (retrospective) & the construction of a 5m high sound attenuation wall
21 July 2015	8/14/01781/CMA	East Leake Quarry, Rempstone Road, East Leake	Extension to existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoons and access haul road.

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

<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
7/2014/1382NCC	Yellowstone Quarry, Quarry Lane, Linby	Continuation of mineral extraction until 2035 and amend condition controlling traffic.
5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings
4/V/2012/0383	Total Reclaims, Wigwam Lane, Hucknall	Continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates
ES/3264	Newington West, Newington Quarry, Land to the south of Bawtry Road, Misson, Near Bawtry	Application for a proposed new working area with restoration to nature conservation and a temporary new access off Bawtry Road.
ES/3265	Newington South Quarry, Misson, Near Bawtry	Variation of conditions: 1,2,3,13,21,25,32,38,51, 62,63,& 65 of planning permission

		1/32/12/00007, to allow additional extraction to the south of the existing working area.
3/14/02198/CMA	Besthorpe Quarry, Collingham Road, Collingham, Newark	Variation of Cond 3 of Plg Ref 3/02/2402CMA to enable temporary retention of the conveyor infrastructure until 31 Dec 2023 or for 12 months following cessation of sand & gravel extraction (whichever is the sooner).
3/14/02200/CMA	Besthorpe Quarry, Collingham Road, Collingham, Newark	Variation of Conds 2, 4, 24 & 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 Dec 2022 for the extraction of the remaining sand & gravel reserves with restoration to be completed within 12 months thereafter & also amendment of the approved restoration & working plans.
8/14/01550	Canalside Industrial Park, Kinoulton Road, Cropwell Bishop	Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native & alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site.