

Planning and Licensing Committee

Tuesday, 26 February 2013 at 10:30

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

AGENDA

- | | | |
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| 1 | Minutes 22 Jan 2012 | 3 - 8 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declaration of Lobbying | |
| 5 | Leen Mills Primary School | 9 - 36 |
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Notes

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

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact 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.

minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 22 January 2013 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)
Sybil Fielding (Vice-Chair)

	Jim Creamer	Bruce Laughton
	John M Hemsall	Rachel Madden
	Stan Heptinstall MBE	Sue Saddington
A	Rev Tom Irvine	Mel Shepherd MBE
		Keith Walker

ALSO IN ATTENDANCE

Councillor Steve Carroll

OFFICERS IN ATTENDANCE

Steven Baker - Solicitor
David Forster – Democratic Services Officer
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning

MINUTES OF LAST MEETING

The minutes of the meeting held on 18 December 2012, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Tom Irvine

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Bruce Laughton declared a pecuniary interest in agenda item 5 – Land at Two Oaks Farm Derby Road Mansfield because he is a customer of Mansfield Sand Company through his ownership of Rufford Golf Club.

Councillor Rachel Madden declared a non-pecuniary interest in agenda item 5 – Land at Two Oaks Farm Derby Road Mansfield, on the grounds she had attended meetings at Ashfield District Council when this application had been discussed but had not taken part in those discussions.

DECLARATIONS OF LOBBYING OF MEMBERS

All members had received letters from Mr P Smith regarding the application for Land at Two Oaks Farm Derby Road Mansfield.

The Chairman informed Committee that he had spoken to Mr P Smith regarding the application prior to it being presented today

LAND AT TWO OAKS FARM DERBY ROAD MANSFIELD

Councillor Bruce Laughton following his declaration at the start of the meeting left the meeting.

The Chairman informed members that he had received a request from Mr P Smith, an objector, to circulate further information to Committee regarding this item this request was denied in accordance with the Planning and Licensing protocols

Mr Smith introduced the report and gave a slide presentation to the committee and took it through the conditions set out in the report. He informed members that with regard to condition 13 which sets out the number of Heavy Goods Vehicles there is a limit based on an average to 50 movements a day (25 in and 25 out). The annual figure set out in the condition does not take account of public holidays therefore the total number should read 27,800 and not 28,600 vehicle movements a year.

Following the opening remarks of Mr Smith a number of speakers were given the opportunity to speak and a summary of those speeches are set out below.

Mr A Chambers, representative of Coxmoor Golf Club, spoke in opposition to the application and raised a number of issues including Road Safety, Pollution and perimeter bunds casting shadows on parts of the course. The traffic issues relate to Coxmoor Road becoming a rat run. The pollution issues could not only affect those playing the course but also the plants and animals that are found on the course. Finally the issue of shadows being cast across the course could have issues around management of the course day to day and the effect of moisture retention.

In response to the issues raised by Mr Chambers, Mr Smith informed members that it is not proposed to allow Lorries to use Coxmoor Road when travelling to and from the site. He also informed members that there had been no objections from the Environmental Health Agency or Natural England regarding noise and pollution.

There were no questions asked.

Mr C Hook, representative of the Sherwood Observatory, spoke in opposition to the application on the grounds that the light pollution will affect both their ability to practice and also the ability to teach. The approval of this application would affect the ability to star gaze due to the loss of the dark skies around the observatory.

Mr Smith responded to the issues raised by Mr Hook stating all additional lighting needed for the site will be installed correctly and that all use of the site would cease at 8 pm which is set out in condition 21. He also informed members the security lighting which will be triggered by movement will be angled downwards so as not to interfere with the night skies.

In response to a question Mr Hook informed members that the observatory is situated over the brow of the Hill towards Kings Mill Hospital and because of light pollution the observatory can only look to the south east quadrant of the sky.

Mr T Smith on behalf of Mr P Smith, a local resident, spoke in opposition to the application and highlighted the following issues. The impact of vehicular movement in the vicinity of the site will increase noise pollution in the area. He also highlighted the issue of local wildlife such as birds and bats, whereby the population of both species could be lost. The impact on the landscape is also a factor that needs to be taken into consideration and the impact on local businesses and residential dwellings in the vicinity of the site.

In response to questions Mr P Smith responded as follows

- There is private housing along Coxmoor Road and I live furthest away from the site but feel that it will affect the area as a whole.
- Vehicular movements in the area are thought to be a lot higher than reported due to the lorry movement of products other than silica sand. Also the re-phasing of the traffic lights will not have a significant effect on the congestion issues which surround Coxmoor Road.
- There has not been enough study undertaken with regard to the effect on the Bat and Nightjar population and this needed addressing.

In response to issues raised by Mr P Smith, Mr Smith responded as follows

- There has been a significant Traffic Assessment undertaken and the Highways Authority is satisfied that the Conditions set out in the appendix to the report cover these issues in detail. Condition 13 in particular restricts the movement of Traffic both in and out of the site.
- The issue around the Bats and Nightjars has been scrutinised by Natural England and no evidence has been found to suggest this application would have a major affect on them.

Mr J Boulton, Managing Director, Mansfield Sand, spoke in favour of the application and highlighted the fact the company employs over 65 people and has a good reputation in the area. If the application is granted he informed members that there would be over 60 conditions attached to this application. The Quarry has been

designed to minimise any visual effects on the surrounding area especially the Coxmoor Golf Course.

In response to questions Mr Boulton responded as follows

- A complaint received 15 years ago was due to the sound of reversing beepers on vehicles but with technological improvements these have been made less intrusive but still safe
- The noise levels of these reversing beepers would be approximately 55 decibels which is lower than normal traffic sound and not a continuous noise.
- The Ratcher Hill Quarry site only has enough sand for quarrying for approximately 18 months.

Councillor Steve Carroll, local member, spoke against the application he raised the issues of increased HGV traffic in and around the area. He informed members that there is already a lot of congestion around the area and this additional traffic will have an effect on junction 27 of the M1 along with the West Notts College and the Crematorium. There is also the issue of damage caused by heavy traffic along the narrow B6139 with increased traffic. The issue of safeguarding jobs is not a reason for approving this planning application as it will not have an effect on employment. It will only impact on the environment for local residents and business in the area through increased HGV traffic.

Mr Smith responded to the issue regarding the B6139 and the fact that as part of the agreement there would be a dilapidation survey carried out annually, and if there is any sign of damage the operator would be liable to make good any damage. The Highways Authority has advised on the conditions in the report and are content with those as set out in the report.

Members considered the report and the following issues were raised during those discussions and Mr Smith responded as follows:-

- There have been no objections received from the Environmental Health Officer with regard to any problems connected with the PM10's. The onus of monitoring of vehicles in and out of the site will be on Mansfield Sand Company and can be scrutinised at any time and is set out in condition 13.
- The issue regarding additional housing being given planning permission by the District Council was made after this application was first made and should not have a bearing on this application.
- The management of HGVs entering the site at the beginning of the day, in order to prevent them queuing on nearby roads could be added to the legal agreement.
- The strict conditions as set out in the report cover most eventualities and therefore permission would not be granted without them.
- The issues surrounding will be dealt with in a sensitive way.
- The hours of working will be strictly adhered to through the conditions laid down and based on a noise assessment made in the area.
- The setting up of a liaison committee with the company, the County and District Councils, the local residents and businesses could be added to the legal agreement.

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

RESOLVED 2013/001

1. That no objection be raised and that the application be referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 due to the potential impact of the proposed development on the openness of the Green Belt.
2. that, should the Secretary of State not wish to intervene, 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 cover the routeing of Heavy Goods Vehicles in and out of the site, the maintenance of clear visibility at the junction of the access road and the B6139 through the management of roadside vegetation; the carrying out of an annual dilapidation survey of the B6139 for a distance of 250 metres east of the site access and up to the A611/B6139 crossroads west of the site access and any remediation measures that the surveys identify; the translocation of common lizards; and the long term aftercare of the proposed heathland, wetland and woodland areas proposed as part of the restoration of the site.
3. 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 the report.
4. that the following matters be added to the legal agreement as follows
 - No vehicles may wait outside the site prior to 6.30 am
 - That a liaison group be established between the applicant the County and District Councils and local community to ensure issues regarding conditions are adhered to and any other problems which may arise can be addressed.

In accordance with Standing Orders Councillor Rachel Madden's vote against the recommendation was noted.

KILVINGTON QUARRY KILVINGTON – VARIATION OF CONDITION 51 OF PERMISSION 3/05/02813/CMA TO AMEND RESTORATION PLAN

Mr Smith introduced the report and highlighted that Alverton and Kilvington Parish Council had now accepted the issue regarding Longhedge Lane access was not under the Planning and Licensing Committee's jurisdiction.

Following the opening remarks of Mr Smith Mr J Elvins, British Gypsum was given the opportunity to speak and a summary of his speech is set out below.

Mr Elvins informed members that the restoration of the Kilvington site has far exceeded the expectations of many people in the local area and has attracted over 160 species of birds. Over 5 km of hedgerows have been established and the scheme offers a network of footpaths available for public use.

There were no questions

On a motion by the Chairman and duly seconded by the Vice Chairman it was

RESOLVED 2013/002

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

WORK PROGRAMME

RESOLVED 2013/003

That the work programme be noted

The meeting closed at 12.47 pm.

CHAIRMAN

M_22 Jan 12

26 February 2012**Agenda Item: 5****REPORT OF CORPORATE DIRECTOR FOR POLICY PLANNING AND
CORPORATE SERVICES****ASHFIELD DISTRICT REF. NO.: 4/V/2013/0008****PROPOSAL: ERECTION OF STAND ALONE SINGLE STOREY CLASSROOM,
ASSOCIATED GROUND AND LANDSCAPE WORKS.****LOCATION: LEEN MILLS PRIMARY SCHOOL, LEEN MILLS LANE, HUCKNALL****APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES****Purpose of Report**

1. To consider a planning application for the erection of a single storey classroom at Leen Mills Primary School, Leen Mills Lane, Hucknall. The key issues relate to the increase in the number of school places, the resulting impact on the highway network and the amenity of neighbouring residents. The recommendation is to grant planning permission, subject to the conditions set out in Appendix 2.

The Site and Surroundings

2. Leen Mills Primary School is located in a residential area 700m to the north-east of Hucknall town centre, and 150m to the east of the Nottingham to Worksop railway line. Holy Cross Primary Catholic Voluntary Academy (Holy Cross Catholic School) is situated 150m to the north (Plan 1). Access to the school from the north is gained from Linby Road, and from Papplewick Lane when approaching from the south. Holy Cross Catholic School operates a school day beginning at 08:50 hours and ending at 15:30 hours. Leen Mills Primary School day begins at 08:45 hours and ends at 15:15 hours.
3. Leen Mills Primary School is principally of CLASP construction and is contemporary with the surrounding housing. Some properties on Leen Mills Lane and Balmoral Grove, to the north and east of the site respectively, have off-street parking in garage courts or otherwise park on the carriageway. Bishops Way, to the west of the school, is a more recent residential development with properties built on the west side of the cul-de-sac only (Plan 2).

4. Leen Mills Lane is the principal access to Leen Mills Primary School and Holy Cross Catholic School, whilst a school pedestrian access gate is formed in the eastern boundary of the school site, 70m to the north-west of the turning head formed at the northern end of Balmoral Grove. Properties in the immediate vicinity of the school are linked by a series of pedestrian footpaths
5. A 2.0m high green coloured Heras security fence encloses the school buildings and the immediate grounds. An un-enclosed area of grass playing field, which forms part of the school but is open to public access, lies to the south. A footpath runs around the edge of the playing field. Residential properties at 2-16 Windsor Close and 57-71 Buckingham Avenue face onto the path and playing field beyond (Plan 2).
6. Two single modular classrooms, subject to time-limited planning permissions, are sited to the south of the CLASP school buildings.
7. There are 353 children on the school roll (January 2013).

Proposed Development

Background

8. The 2011/12 school year has seen a rapid increase in the number of four year old children requiring school places. As part of a wider review of school capacity, there is a projected shortfall of five places in 2012/13, rising to 55 places by 2016/17. The applicant advises that school Net Capacity and Published Admission Number needs to be, wherever possible, a combination that allows appropriate year groupings throughout the school. The individual projection figures for the school indicate an additional annual demand for 55 places by 2016/17.
9. NCC is developing a proposal to construct a new Primary School in the vicinity of the Papplewick Lane housing development (Plan 3) where many of the pupils live, but has been delayed by two Village Green applications. Subject to obtaining planning permission, it is hoped that the within two years a new school would alleviate long-term pressure on Leen Mills Primary School. A Position Statement prepared by the Team Manager, Place Planning Strategy Support to School Services on the provision of a new school as part of the Papplewick Lane residential development is attached as Appendix 1.

Planning History

10. Planning permission 4/2010/0297 granted (July 2010) for a single storey extension to create an improved reception area.
11. Time-limited planning permission 4/2010/0684 granted (January 2011) for the retention of a single modular classroom building. The permission will expire on 31 December 2013.

12. Time-limited planning permission 4/2010/0613 granted (February 2011) for the erection of a single modular classroom. The permission will expire on 31 January 2014.
13. The requirement for the time-limited modular buildings on the site will be the subject of a review of pupil demographics, the progress of housing development in the locality and the associated construction of a new school. The retention of the modular classroom(s) for a further time-limited period would be considered on individual planning merit.

Proposed Development

14. Planning permission is sought for the erection of a free-standing single storey modular classroom, sited 4m to the south of the nearest existing school building and 12m to the east of the temporary modular classroom building approved under application reference 4/2010/0684. The building, which would have a footprint 10.5m x 7.3m, would be of single-ply mono-pitch roof construction, coloured light grey, with eaves rising from 3.0m to 3.6m above the finished floor level. The side elevations of the building (north and south) would be finished in cream coloured render, whilst the end elevations (east and west) would have a red render finish (Plan 4).
15. Doors and window frames, formed in the east and west elevations, would be of uPVC construction and coloured white. The fascia would be constructed of aluminium and coloured dark grey (RAL 7915) whilst aluminium rainwater goods would be coloured light grey (RAL 7040). Two roof lights would be provided and photovoltaic (PV) cells would be applied to the roof.
16. A path would be constructed at the eastern and western ends of the building, connected to a path running adjacent to the existing school building.
17. The proposed development, in combination with the remodelling of existing spaces within the school, including the temporary modular classrooms on the site, would have the effect of increasing the capacity of the school from 350 to 420 places. The Published Admission Number would increase from 50 to 60 school places each year. The same number of staff would teach enlarged classes and no additional staff would be employed. Given the likelihood of a school being built in the locality, the proposed extension would accommodate short-term need which, on review, could allow the time-limited modular classrooms to be removed.
18. It was originally proposed, when the application was submitted, that the unfenced area of the school site would be enclosed by a 2.4m high green coloured Heras security fence. That element has been reviewed by the applicant and subsequently removed from the proposals. A further publicity exercise has been undertaken in respect of the revised scheme.

Consultations

19. **Ashfield District Council** – No objection subject to materials and finishes matching the existing building. The proposal would comply with relevant

Development Plan policies ST1 *Development*, ST2 *Main Urban Areas* and RC3 *Hz Formal Open Space*. The application would also satisfy National Planning Policy Framework (NPPF) Part 7 *Requiring Good Design*.

20. **NCC Highways Development Control** - *The Highway Authority's main concern is the resultant on-street parking the proposed classroom extension and subsequent increase in pupil roll numbers would be likely generate during peak drop off and pick up hours. This is a widespread problem at most schools throughout the country that have outgrown their neighbourhood. However this problem only occurs over a short duration and it generally results from indiscriminate parking by parents. On-street parking itself is acceptable if carried out appropriately. Any amenity issues are for the County Planning Authority to consider.*
21. *School traffic congestion continues to increase as more parents select schools for their children that continually achieve higher performance ratings in the national league tables. These schools can lie beyond previous local catchment areas and fewer but larger schools increase reliance on the car for transport. There is a reluctance for parents to allow children to walk or cycle to school due to the traffic congestion, perceived traffic danger, lack of alternative transport, poor weather conditions and 'stranger danger'.*
22. *To assess the impact of the proposals on the surrounding public highway network, the Highway Authority would require a morning/evening peak parking accumulation survey of the neighbouring streets in order to understand existing parking behaviour for both Leen Mills Primary School and Holy Cross Catholic School. This should be accompanied by an on-street parking supply analysis to gauge the adequacy of the parking supply to accommodate any additional on-street parking demand. All main access and surrounding streets used for pick up and drop off points must be included. To control on street parking to locations that are less likely to result in a highway safety problem, and discourage the use of the private car the use of a Traffic Regulation Order may be deemed necessary. To ensure the survey data is robust, it is suggested that the applicant supplies an appropriate TRICS analysis which validates the findings, proposed parking protection where necessary, and updates the school travel plan. Insufficient information has been submitted at this time.*
23. Conditions are recommended to require the submission of an independent report prior to and upon full occupation of the building to identify any appropriate and necessary parking requirements/traffic regulation that may be required and to enable the Highway Authority to provide a formative response. A School Travel Plan should also be submitted and include targets, a timetable and an enforcement mechanism, in order to promote travel by sustainable modes, and shall include arrangements for monitoring of progress of the proposals.
24. A further condition is recommended to require the submission of a Transport and Parking Appraisal in order to assess the level of on-site parking required. This identified level of on site parking shall then be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

25. **NCC Road Safety Team** – No objection in principle. *The submitted School Travel Plan is over 10 years old and makes no reference to the planning proposals or the impact that additional school traffic will have on the already heavily congested Leen Mills Lane. The net capacity of the school will rise from the existing 350 student spaces to 420. Whilst this increase may not actually happen as a new school is due to be built close by, the potential increase in numbers and traffic should be addressed through a review of a School Travel Plan that should be subject of a recommended condition. There is also minimal cycle storage on site and there may be an opportunity for it to be increased.*
26. **Sport England** – *Comment that the application site forms part of a playing field and has considered the scheme in light of its playing fields policy. The building would be located on part of the wider playing field. Given the position of existing buildings and the fence line which separates the school site from the shared community and school pitch to the south, this part of the playing field is considered to be incapable of forming a pitch or part of a pitch. Sport England considers that the proposed classroom meets the requirements of exception E3 (that development affects only land incapable of forming, or forming part of, a playing pitch) and raises no objection.*
27. **Police Force Architectural Liaison Officer** – No objection.
28. **NCC Land Reclamation Team** – No objection. A condition is requested to deal with contamination which may be encountered.
29. **Severn Trent Water Limited** – No objection.
30. **Western Power Distribution** – No objection. Attention is drawn to network within the site.
31. **National Grid (Gas)** – No objection. Attention is drawn to network within the site.

Publicity

32. The application has been publicised by means of site notices and neighbour notification letters sent to occupiers in accordance with the County Council's adopted Statement of Community Involvement.
33. The application has generated 32 representations, many of which (26) object to the 2.4m high fence which no longer forms part of the proposals. 20 representations object to the proposed classroom on the following grounds:
 - (a) Increased numbers of pupils. The installation of another classroom would further increase traffic creating hazards for local residents and school users. Traffic levels are already considered extremely dangerous with insufficient parking for those attending Leen Mills Primary School and Holy Cross Catholic School and the area is not equipped to cope with increased traffic. Both schools have doubled in size within the last ten years. The situation has worsened since a gate from Holy Cross School was opened onto Bishops Way making it a no-go area twice a day and

almost impossible for access by emergency vehicles. Parent parking issues on Buckingham Avenue when dropping off and picking up children.

- b) The traffic situation on Leen Mills Lane, Walk Mill Drive, Leen Mills Drive, Ethel Avenue, Vaughan Avenue and surrounding areas is presently chaotic, dangerous and poorly managed. Cars double park along Bishops Way and Church Lane making the roads dangerous and congestion is present on Minster Close and St. Michael's View. Obstruction of visibility of drivers and pedestrians. Difficulty accessing Papplewick Lane from Balmoral Grove. An increase to the volume of traffic on the local road network represents a serious incident waiting to happen given the pupils at Leen Mills School are aged 5-9 and consequently have little sense of danger. Will it take a tragedy before action is taken? Significant investment is required in highway improvements to ensure safe commuting. Will those making the decision be held accountable for any forthcoming tragedies?
- c) Drivers park vehicles with no consideration to residents/those with pushchairs (e.g. parking across drives/gates/garages preventing access/egress, on pavements and private lawns). Yellow lines are needed to stop inconsiderate parking on the narrow Bishops Way. Residents already suffer verbal abuse and have experienced minor damage to vehicles.
- d) Thirty additional pupils potentially means thirty additional cars. Roads cannot support extra traffic. Balmoral Grove has recently been patched up as its surface was breaking up. The situation should be inspected at afternoon peak time. Yellow lines or additional parking should be provided on Balmoral Grove should the plans go ahead.
- e) Nearby house building has increased demand for school places. The school has extended as far as possible. Why is it necessary to extend the school when planning permission has been granted for at least one new school to be built at the housing site? (Plan 3) Investment should be made in infrastructure as housing is built and Hucknall grows.
- f) Have any local traffic surveys been carried out at peak times?
- g) Withdrawal of the fence from the application is a temporary measure, particularly if the number of pupils at the school increases. If a fence is to be erected it should be sited away from the adjacent residential properties.
- h) The existing temporary classrooms may be retained and the increase in pupil numbers may become permanent. Has the need to extend the school been mitigated and will the mitigation be made public?
- i) The extent of local resident notification is questioned, with some residents only learning of the proposals by word of mouth, and there is disappointment that notices have not been posted around the area.

- j) Concern that a health and safety risk assessment has not been carried out on the access from Bishops Way. At this time of year the snow is packed into ice making roads treacherous, yet there is no salt treatment or speed controls.
34. Two letters of representation have been received which support the proposals for the classroom, although the support set out in one of these letters is more aimed at the fencing proposals (now withdrawn) rather than the classroom.
35. Councillor Rev Tom Irvine, Councillor Kevin Rostance and Councillor Mick Murphy have been notified of the application. Councillor Murphy, whilst supportive of the school, objects to the proposals. He comments that the proposal is for a classroom for 30 children and queries the reference in the application documentation which refers to capacity increasing from 342 to 420 places, an increase of 78. *(It is explained at Paragraph 17 that existing school spaces would be remodelled to accommodate additional places)*. Councillor Murphy also makes reference to the school's close proximity to Holy Cross Catholic School which, taken together, would provide a total of over 600 pupils and cause further mayhem at drop off and pick up times, particularly if the additional pupils are all transported by car.
36. Councillor Murphy also questions why increased pressure is being placed on Leen Mills School when the community have been promised a new school on Papplewick Grange (Plan 3) for potentially 400 pupils. Whilst that development is to serve as a replacement for Beardall Street School, Councillor Murphy argues that there would be spare capacity which could relieve pressure on Leen Mills School (Appendix 1).
37. A 296 signature petition has been received opposing the erection of a 2.4m high fence around the school playing field on the grounds that it would prevent the use of the field by the public outside of school hours.
38. The issues raised are considered in the Observations Section of this report.

Observations

39. Great importance is attached to ensuring that a sufficient choice of school places is available to meet the needs of new and existing communities in NPPF *Promoting healthy communities* (Paragraph 72). Great weight should be given to the need to create, expand or alter schools.
40. The applicant has explained that the theoretical capacity of 420 places may not be reached, and based on current projected pupil numbers the school roll would increase to 405 by 2016/17. Demand for pupil places can be influenced by a number of factors, led by parental choice, and plans for future school place provision linked to new housing development in the locality, may reduce demand for school places at Leen Mills Primary School.
41. Although the increased school capacity would rely on the spaces provided in temporary classrooms on the site (planning permissions 4/2010/0613 and 4/2010/0684), their retention beyond the life of the current permissions will be

necessary if the strategic delivery of school places proposed in this application is to be met. Whilst not for consideration as part of this application, the applicant is advised to submit an application by not later than 31 August 2013, at which time it is anticipated that future school place provision in the wider Hucknall area should be known.

42. Ashfield Local Plan Review – November 2002 (ALP) Policy ST1 *Development* will permit development where, amongst other criteria, the development would not adversely affect the character, quality, amenity or safety of the environment and would not adversely affect highway safety. ALP Policy ST2 *Main Urban Areas* seeks to direct development to the principal urban areas of the District. Ashfield District Council considers that the proposal would comply with both Policy ST1 and ST2.
43. An increase in school places would be likely to attract additional cars to an area where on-street parking for parent drop-off and pick-up can become congested and cause inconvenience to local residents. However, with on-street parking already at capacity, congestion and parking issues on the highways immediately adjacent to the school are unlikely to worsen, but may extend further on the highway network. Whilst parent parking at schools can cause inconvenience to nearby residents the duration of parent parking at the beginning and end of the school day is relatively short lived.
44. NPPF *Promoting Sustainable Transport* Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. NCC Highways Development Control has drawn attention to the need to assess the impact of the proposal on the surrounding public highway network through survey in order to better understand existing parking behaviour at both Leen Mills Primary School and Holy Cross Catholic School. It is the applicant's intention that the proposed classroom would be completed in order to accommodate children in September 2013. It is considered that the appropriate traffic survey can be undertaken in either the 2013 Spring or Summer school terms to provide a suitable baseline against which to assess an increase in traffic and related parking issues once the proposed building is brought into use. Members are reminded that the planning permissions for the two temporary modular classrooms on the site expire in December 2013 and January 2014 and an appropriate view could be taken at that time as to whether, on highway grounds, permission for any application to extend the life of one or both permissions should be granted. That decision would be taken following the completion and assessment of a second traffic survey once the classroom subject of this application has been brought into use. Depending on the outcome of the surveys a Traffic Regulation Order (TRO) may be required. It has been confirmed that the costs of survey and any necessary TRO would be met by the applicant department. Appropriate conditions are recommended (Conditions 7 and 9). The applicant has confirmed that Children Families and Cultural Services would fund the required traffic surveys and, if required, a Traffic Regulation Order.
45. The school, together with Holy Cross Catholic School, is aware of parking issues and the Joint School Travel Plan (2002) seeks to increase safety and reduce congestion in the immediate vicinity of the schools, to encourage walking, car

sharing, and travel awareness for parents, carers and children. However, the Joint School Travel Plan has not been updated to consider the impacts of either temporary modular classroom or the additional classroom proposed in this application. Inconsiderate parking and potential danger arising from increased traffic and parent behaviour has been identified in representations. A review of the Joint School Travel Plan would seek to address relevant concerns raised by residents which apply both to Leen Mills Primary School and Holy Cross Catholic School. A suitably worded condition is recommended to require the submission of a review of the Joint School Travel Plan three months after the proposed classroom is brought into use, to include targets, a timetable, monitoring and enforcement mechanism to promote travel by sustainable modes is recommended (Condition 10). The Joint Travel Plan should investigate the provision of additional cycle parking provision. It is further recommended that the school safety zone at Leen Mill Primary School is reviewed (Condition 8). A condition to require a review of the school safety zone at Holy Cross Catholic School would fall outside of the scope of this application, although the applicant may consider it appropriate to broaden the scope of investigation.

46. Land to the south and west of the school building is subject to ALP Policy RC3 *Hz Formal Open Space* where development will only be permitted that is required for educational purposes (Plan 3). The policy states that a planning condition will be imposed to secure off-site provision of formal open space or other facilities. The proposed development would not result in the loss of a playing pitch and it is noted that neither Sport England nor Ashfield District Council have requested the provision of alternative open space elsewhere. The site lies immediately adjacent to existing school buildings and with regard to the relatively small footprint of the building, in this instance it is not considered appropriate to require alternative off-site open space to be provided.
47. ALP Paragraph 8.53 recognises the need to provide a full range of community services, such as educational facilities, for the social and economic well-being of Ashfield residents.
48. The proposed classroom extension would be suitably sited in relation to the existing CLASP school building. Although Ashfield District Council has advised that the building should be of a design to match the original school construction, the free-standing building is of a complementary innovative design based on the off-site assembly of modules that are then brought to site, resulting in quicker on-site construction and less disruption both to day-to-day school activities and the local community. The building is considered to be an appropriate design interpretation in the context of the original school. With the exception of the proposed use of contrasting coloured render to different elevations, the specification for the eaves, rainwater goods, doors and windows are considered to be acceptable. The submission of samples of the proposed render finish is the subject of recommended Condition 6.
49. With reference to the omission of the fence from the application, if the school was to propose the erection of a fence at a future date, the CPA would determine whether the enclosure would require planning permission and any required application would be determined on its individual planning merit.

Other Matters

50. With regard to the representation raised at Paragraph 33h), the Education Statement and Supporting Planning Statement explain the need for the classroom and the strategy for school place provision which has been made available for public inspection. Extensive neighbour notification raised at Paragraph 33i) has been undertaken either directly by letter or through the display of public notices.
51. With regard to the representation raised at Paragraph 33j), the salting of the highway network is not a matter material to the determination of this application.

Other Options Considered

52. 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

53. 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

54. The development would be sited within the existing school fencing and therefore benefit from existing security measures.

Human Rights Implications

55. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of noise and disturbance from increased traffic movements from comings and goings associated with increased activity at the school. However, these considerations need to be balanced against the wider benefits the proposals would provide in meeting the strategic need for additional school places in Hucknall, and the importance given by Government to ensuring that a sufficient choice of school places is available to meet the needs of new and existing communities. Members will need to consider whether these benefits would outweigh the potential impacts.

Safeguarding of Children Implications

56. The development would be sited within the existing school fencing and therefore benefit from existing security measures.

Implications for Sustainability and the Environment

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

Conclusions and Statement of Reasons for the Decision

59. The proposed development would meet an increased demand for pupil places identified at the school. Whilst the capacity of the school would increase, with the Published Admission Number rising from 50 to 60 each year, the number of children attending the school would increase gradually in successive years. The applicant department has explained in Appendix 1 that a new school is planned to be built on the Papplewick Lane housing site, subject to planning permission being granted, and that funds are in place.
60. Taking a longer view, there are two temporary classrooms on the site which contribute to the capacity of the school. When the classrooms are removed the school would not have sufficient capacity to operate as a two-form entry school. The proposed development would allow the immediate pupil demand to be accommodated until alternative permanent school places can be provided.
61. 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. Parent parking and traffic issues frequently arise close to schools, but the impacts are relatively short-lived, generally restricted to the beginning and end of the school day. Appropriate conditions are recommended to survey and mitigate impacts on the highway, if necessary through a Traffic Regulation Order, in addition to which the existing School Travel Plan, prepared jointly with Holy Cross Catholic School would be reviewed.

Statement of Reasons

62. In determining the application consideration has been given to the great importance attached by government to ensure that a sufficient choice of school places is available to meet the needs of new and existing communities. A grant of planning permission is in accordance with Paragraph 72 of National Planning Policy Framework (NPPF) *Promoting healthy communities*.

63. Ashfield Local Plan Review – November 2002 (ALP) Policy ST1 *Development* permits development where, amongst other criteria, the development would not adversely affect the character, quality, amenity or safety of the environment and would not adversely affect highway safety. ALP Policy ST2 *Main Urban Areas* seeks to direct development to the principal urban areas of the District.
64. An increase in school places would be likely to attract additional cars to an area where on-street parking for parent drop-off and pick-up can become congested and cause inconvenience to local residents. However, with on-street parking already at capacity, congestion and parking issues on the highways immediately adjacent to the school are unlikely to worsen, but may extend further on the highway network. Whilst parent parking at schools can cause inconvenience to nearby residents the duration of parent parking at the beginning and end of the school day is relatively short lived.
65. There are two temporary classrooms on the site that are the subject of time-limited planning permissions that will expire in December 2013 and January 2014. The impact of the additional classroom granted by this permission will be assessed and taken into account should an application be submitted to retain the classrooms until such time as permanent school places are provided. The impact on amenity of residents close to the school is unlikely to significantly worsen as a consequence of the application proposed in this development, and would comply with ALP Policy ST1 *Development*. NPPF *Promoting Sustainable Transport* Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The impacts of traffic can be reviewed if an application is received to retain the temporary classrooms on the site, whereas removal of the temporary classrooms would reduce pupil numbers, and associated highway impacts, at the school.
66. Consideration has been given to the design of the proposed building which is acceptable in compliance with ALP Policy ST1 *Development*.
67. Land to the south and west of the school building is subject to ALP Policy RC3 *Hz Formal Open Space* where development will only be permitted that is required for educational purposes (Plan 3). The policy requires that a planning condition will be imposed to secure off-site provision of formal open space or other facilities. In this instance, the proposed development would not result in the loss of a playing pitch and neither Sport England nor Ashfield District Council has requested the provision of alternative open space elsewhere. The proposal would comply with ALP Policy RC3 *Hz Formal Open Space*.
68. The County Council is of the opinion that the proposed development is in accordance with the relevant Development Plan policies and there are no material considerations that indicate that the decision should be made otherwise. 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.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

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

JAYNE FRANCIS-WARD

Corporate Director for Policy Planning and Corporate Services

Constitutional Comments

Committee have power to decide the Recommendation.

[SHB.15.02.13]

Financial Comments

The contents of this report are duly noted; there are no financial implications.

[DK. 15.02.13]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Hucknall	Councillor Rev Tom Irvine
	Councillor Kevin Rostance
	Councillor Mick Murphy

Report Author/Case Officer

David Marsh

0115 9696514

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

W001996.doc

PSP.JS/PAB/EP5364 – COMMITTEE REPORT FOLDER REFERENCE

15 February 2013 – Date Report Completed by WP Operators

Position Statement from Children Families and Cultural Services on the Provision of a New a School – Papplewick Lane Development, Hucknall

Leen Mills Primary is a popular school. There are currently two temporary classrooms at the Leen Mills site, the newest of which is of a modular construction, which was provided using Section 106 education contributions from the Papplewick Lane development to house children living at that development in the interim period before a new school is built to serve the new housing.

Leen Mills Primary has also re-designated internal space as teaching areas which, together with the new permanent classroom proposed in the current planning application, will allow the school's capacity to grow to cope with demand for places both from existing and newly built housing.

A new school is planned to be built on the Papplewick Lane site. This will not only provide sufficient places for the children from the development but also provide a much-needed and long-planned replacement for Beardall Street Primary School (currently a 210-place primary school). The first phase of the new school at the Papplewick Lane site should be open from September 2014 with a capacity of 315 places (subject to planning approval) and as the new school gradually fills with children from Papplewick Lane, a second phase of building work will take the capacity of the school to 420 (again, subject to planning approval). The pressure on Leen Mills Primary School is expected to subside as the new school will provide spaces currently offered to children living at the new residential development. This will offer the opportunity to review the overall place provision at Leen Mills and potentially enable the removal of the temporary accommodation in due course.

There is considerable pressure on places across Hucknall this year and for the foreseeable future. A further permanent classroom is proposed for Edgewood Primary School from September 2014 (subject to planning approval). This and the replacement Beardall Street Primary School on Papplewick Lane is expected to provide sufficient places to meet this demand. However, without the additional places, NCC would not be able to fulfil a statutory duty to provide school places for residents.

The new school for the Papplewick Lane site is currently being designed. There is funding in the capital programme and section 106 developer contribution monies that are either already with the county council or will be given to the county council associated with the second phase of residential development by early 2014.

Ian Webster

**Team Manager, Place Planning Strategy
Support to Schools Service**

RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

- a) Location Plan (Drawing AL(0)01 Rev B) received by the CPA on 30 January 2013.
- b) Proposed Site Plan (Drawing AL(0)03 – Sheet 1 Rev A) received by the CPA on 21 December 2012.
- c) Proposed Site Plan (Drawing AL(0)03 – Sheet 2 Rev B) received by the CPA on 25 January 2013.
- d) Proposed Floor Plan (Drawing AL(0)04 Rev A) received by the CPA on 30 November 2012.
- e) Proposed Roof Plan (Drawing AL (0) 05) received by the CPA on 5 November 2012.
- f) Proposed Elevations (Drawing AL (0) 06 – Sheet 1 Rev A) received by the CPA on 30 November 2012.
- g) Proposed Elevations (Drawing AL (0) 06 – Sheet 2 Rev A) received by the CPA on 30 November 2012.
- h) Proposed Elevations (Drawing AL (0) 06 – Sheet 3 Rev A) received by the CPA on 30 November 2012.
- i) Proposed Elevations (Drawing AL (0) 06 – Sheet 4 Rev A) received by the CPA on 30 November 2012.

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

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

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

5. Prior to the commencement of development, details of the method of working during construction, in the form of an environmental management plan, to include:
 - a) a scheme for the recycling/disposal of surplus soils and waste resulting from construction; and
 - b) construction site layout to segregate students from construction taking place within the school site,

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

Reason: In the interest of highway safety and to safeguard children attending the school throughout the period of construction.

6. Prior to their use on site samples of external render finishes 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.

7. Within two months of the commencement of development a methodology, including timescale for the surveying of the existing traffic and parking levels in the vicinity of the school (baseline survey) shall be submitted to and agreed in writing with the CPA. The survey shall be undertaken in accordance with the approved methodology and submitted to the CPA not less than two months before the development approved by this permission is first brought into use.

Reason: To provide baseline data in the interests of highway safety.

8. Prior to the development approved by this permission first being brought into use, a review of the School Safety Zone shall be submitted to and approved in writing by the CPA. Recommended measures in the review of the School Safety Zone (to be approved) shall be implemented to the satisfaction of the CPA in accordance with the approved details.

Reason: In the interest of highway and pupil safety.

9. Within two months of the development approved by this permission first being brought into use, a survey in compliance with the methodology approved in compliance with Condition 7, shall be submitted to the CPA. The survey shall be accompanied by a report, together with proposed measures to overcome relevant parking or highway safety issues identified, including a timescale for the carrying out of proposed measures. Approved measures shall be carried out in accordance with the agreed details and timescales.

Reason: In the interests of highway safety.

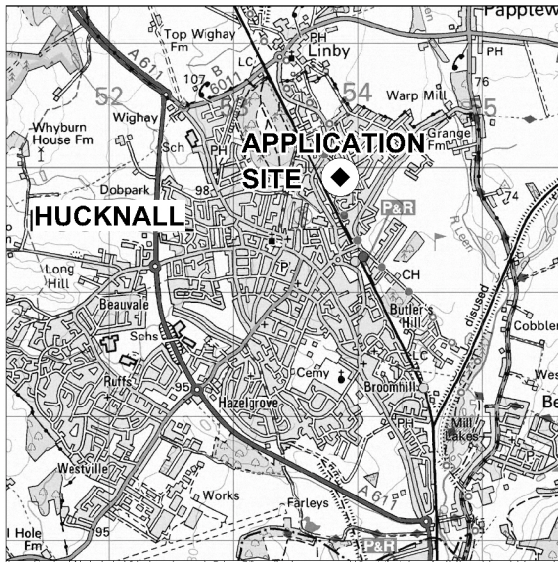
10. Notwithstanding details submitted in support of the application, within three months of the development hereby permitted first being brought into use, a Travel Plan shall be submitted to and approved in writing by the CPA. The Travel Plan shall set out proposals (including targets, a timetable, monitoring and enforcement mechanism) to promote travel by sustainable modes, including provision for cycling, which are acceptable to the CPA and shall include arrangements for the monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

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

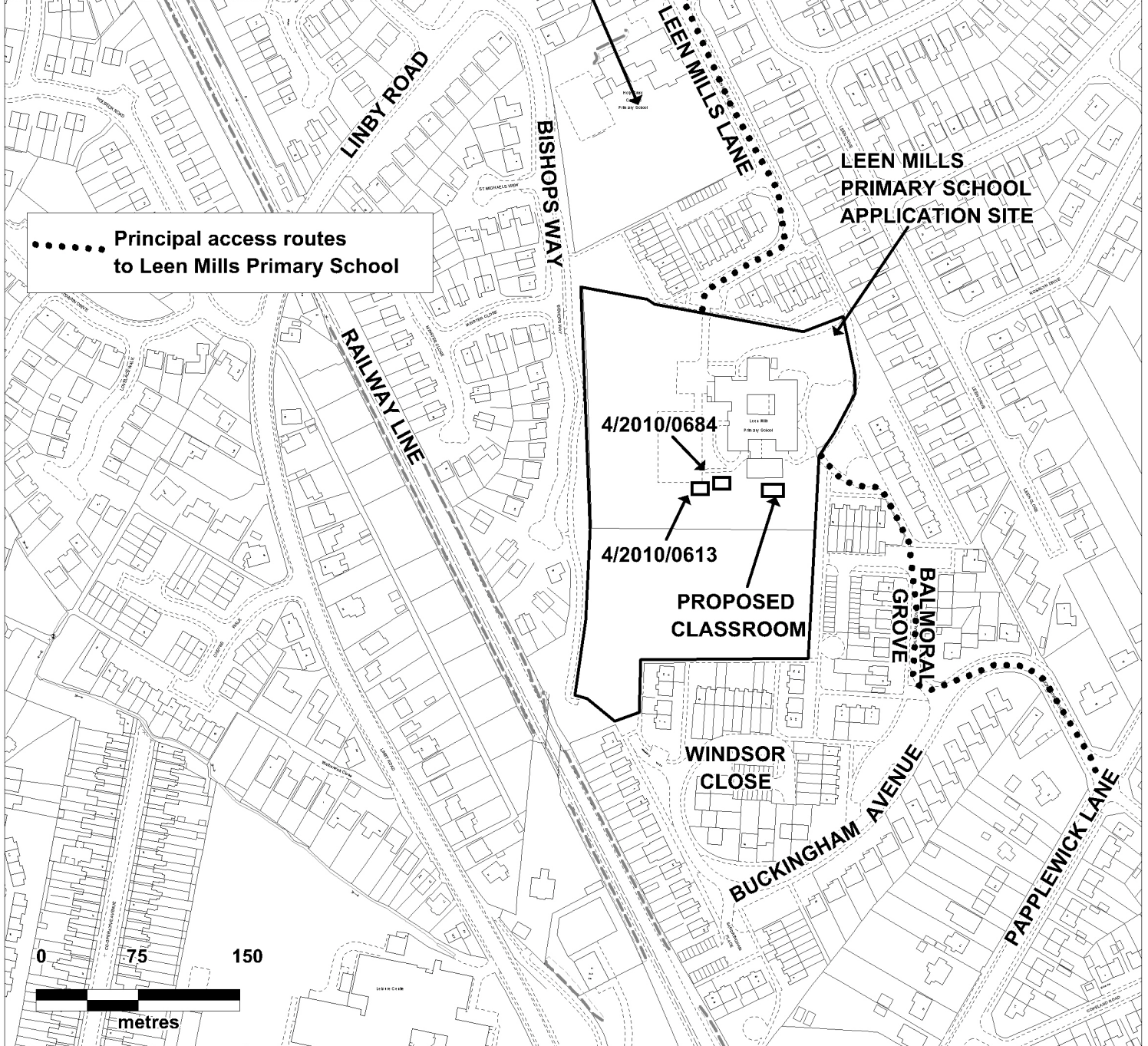
Informatives/notes to applicants

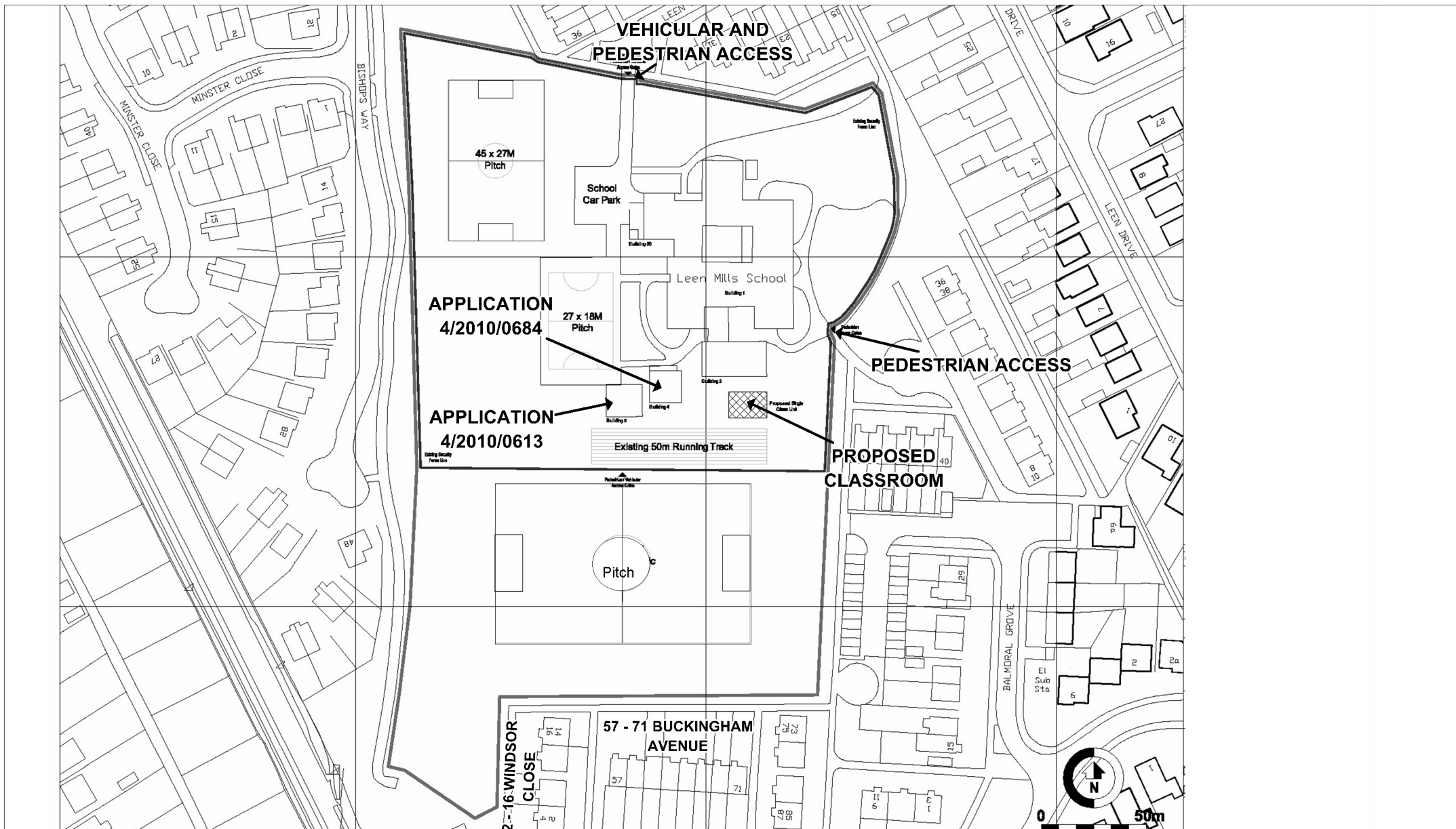
1. With reference to Condition 8 the applicant may consider extending the review of the Leen Mills Primary School school safety zone to include Holy Cross Primary Catholic Voluntary Academy.
2. The applicant is advised, if it is intended to apply to retain temporary classrooms on the site, subject to time-limited permissions reference 4/2010/0684 and 4/2010/0613, the application should be submitted by 31 August 2013. The survey and report required by Condition 9 of this permission will need to be submitted before any such application is determined. A Traffic Regulation Order may be required.
3. With reference to Condition 10, School Travel Plan advice can be obtained from Autumn Rose - School Liaison Officer (01623 520728). Consideration should be given to the merit of further staggering the start and finish times of Leen Mills Primary School and Holy Cross Primary Catholic Voluntary Academy.
4. Western Power Distribution draws attention to network with the site. A copy of the consultation reply from Western Power Distribution dated 8 January 2013 is enclosed.
5. National Grid draws attention to network with the site. A copy of the consultation reply from National Grid dated 31 January 2013 is enclosed.

6. Attention is drawn to potential sources of contamination identified in the consultation response received from NCC Land Reclamation Team dated 13 February 2013, a copy of which is enclosed.



PLAN 1





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

Erection of stand alone single storey classroom, associated ground and landscape works.
Leen Mills Primary School, Leen Mills Lane, Hucknall, Notts.
Planning Application No. 4/V/2013/0008

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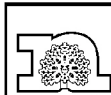
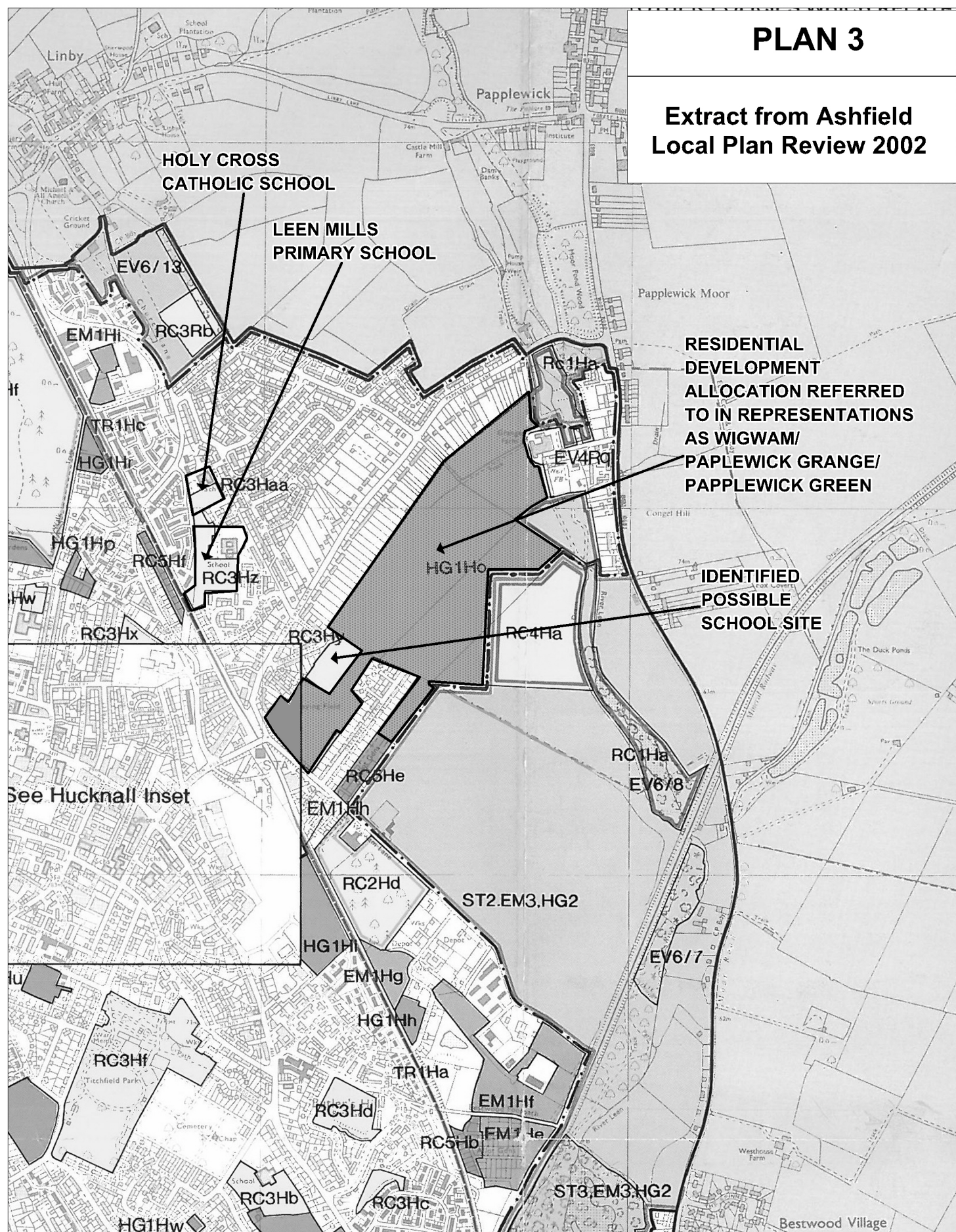


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Date: FEB 2013

PLAN 2

PLAN 3

**Extract from Ashfield
Local Plan Review 2002**



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

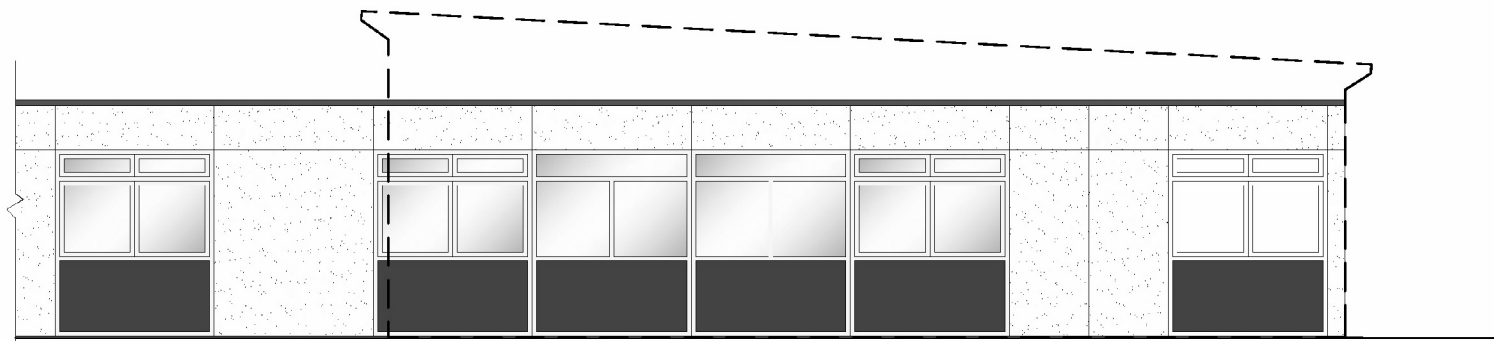
Erection of stand alone single storey classroom,
associated ground and landscape works.
Leen Mills Primary School, Leen Mills Lane, Hucknall
Planning Application No. 4/V/2013/0008

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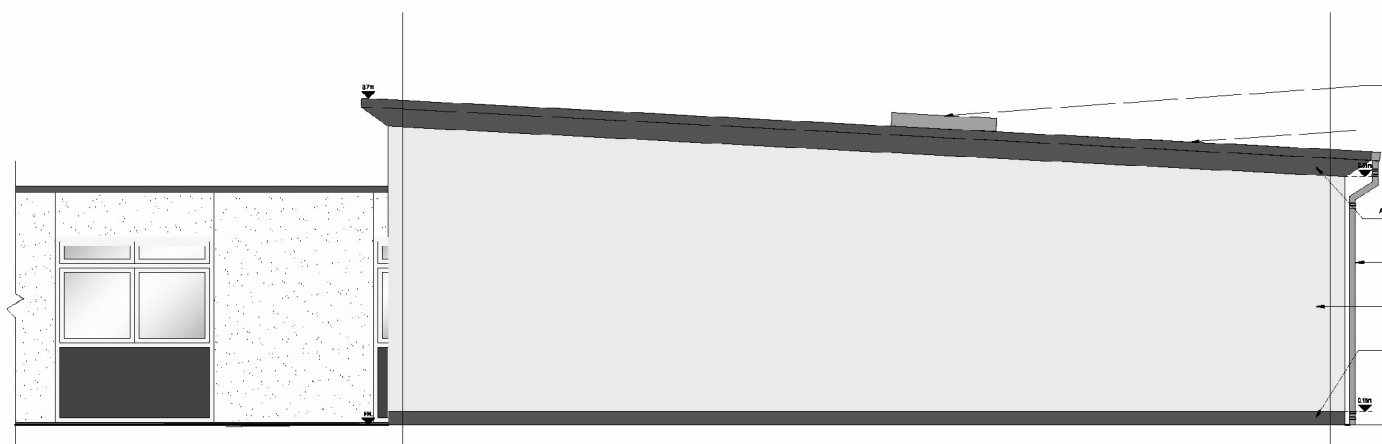


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Date: FEB 2013



Building 2

Existing Elevation 4



Building 2

2 Elevation 4

1



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

Erection of stand alone single storey classroom, associated ground and landscape works.
Leen Mills Primary School, Leen Mills Lane, Hucknall, Notts.
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Date: FEB 2013

PLAN 4

26 February 2013**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING &
CORPORATE SERVICES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 12/01652/LBC & 12/01717/CMA**

PROPOSAL: A CHANGE OF USE FROM TOURIST INFORMATION OFFICE AND EXHIBITION SPACE, INCLUDING ASSOCIATED ALTERATIONS, TO THE FORMER GILSTRAP LIBRARY TO ENABLE THE PROPERTY TO BE OPERATED AS NEWARK REGISTRY OFFICE.

LOCATION: TOURIST INFORMATION CENTRE, THE GILSTRAP CENTRE, CASTLE GATE, NEWARK

APPLICANT: MR ROBERT FISHER C/O NOTTINGHAMSHIRE COUNTY COUNCIL REGISTRATION SERVICE.

Purpose of Report

1. To consider a planning application for the change of use from a Tourist Information Centre and exhibition space, including internal and external alterations at the former Gilstrap Library, Newark to allow the building to be operated as Newark Registry Office.
2. The Gilstrap Centre is a Grade II listed building and lies within the grounds of Newark Castle, a Scheduled Monument (SM). The site also lies within the Newark Conservation Area. Accordingly the proposed development raises key issues in relation to its impact on these heritage assets and traffic impacts. The recommendation is to grant planning permission, subject to planning conditions as set out in Appendix 1.

The Site and Surroundings

3. The Gilstrap Centre is currently occupied by a Tourist Information Centre, a permanent exhibition on Newark Castle and the Civil War, a temporary exhibition space and attended public toilet facilities. A Romanesque arch, discovered in the undercroft of Newark Castle has been re-constructed inside the Gilstrap Centre and falls under the protection of the SM.

4. The application site lies within the curtilage of the Scheduled Monument (SM) of Newark Castle and is a Grade II listed building. The site also lies within Newark Conservation Area. In addition the site lies within the direct and wider setting of a number of listed buildings and buildings of local character that contribute to the historic setting of Newark Town Centre as a whole.
5. The Gilstrap Centre sits back from Castle Gate from the east and is bound to the north by Beast Market Hill. Behind the Gilstrap Centre, to the west, is the Castle and its grounds, beyond which lies the River Trent (See Plan).
6. The original and main pedestrian entrance to the Gilstrap Centre is accessed off Castle Gate, where a stepped approach through two sets of double doors lead to a double height lobby. A secondary entrance into the building, also accessed off Castle Gate, lies to the side of the building.
7. The Gilstrap Centre is visible from both Castle Gate and from the north and west in the Castle Gardens.
8. There is no vehicular access onto the site. Pedestrians can access the site from Castle Gate via three separate entrances one being located to the south of the site, one directly in front of the Gilstrap Centre and another entrance off the roundabout junction with Castle Gate and the Great North Road.

Proposed Development

Planning Context

9. Newark Registry Office currently provides registry office services for the Newark area. The current office is located at Balderton Gate, Newark, in part of listed Georgian building. The whole building is leased from Newark and Sherwood District Council, of which only part is occupied by the Registration Service. The remainder of the building was vacated in 2008 and the building is now too large for the Registration Services' needs. The lease expires in October 2013.
10. The current Registry Office employs three full time staff, Monday to Friday. Saturdays and Sundays are reserved for Weddings and Notice appointments. Opening hours are currently 9:00am to 4:30pm Monday to Friday with services on Saturdays and Sundays limited to appointments only.
11. Nottinghamshire County Council has agreed to lease the Gilstrap Centre from Newark and Sherwood District Council as a new location for the Registry Office subject to planning permission. The building would provide an attractive setting and central location for weddings and ceremonies and in addition services would be enhanced from what is currently provided. The Tourist Information Centre intend to relocate to Keeper's Cottage, Riverside Park.

Proposed Development

12. The application seeks planning permission for the change of use of the Tourist Information Centre to enable the property to be operated as a registry

office and alterations to the existing building. The main features of the development are:

- The large existing exhibition space would remain undivided to be utilised as a formal ceremony room capable of seating approximately 95 people.
 - The current permanent exhibition space would become a top lit reception and waiting room with the Romanesque arch remaining on public view.
 - The current Tourist Office would close and become the statutory ceremony room, accessed via the existing permanent entrance lobby.
 - Two new offices would be created adjacent to the rear entrance within the 1933 extension.
 - A new accessible entrance would be created to the side of the existing building, accessible from Castle Gate and connecting through the existing office into the new reception area.
 - The existing rear office would become a staff area with a kitchenette.
 - The existing toilets would be remodelled to provide dedicated facilities for the Registry Office and separate attended public facilities accessed from the Castle Gardens.
 - A new external entrance would be created in the rear elevation of the building, to provide access to the public toilets.
13. Opening hours proposed would mirror those currently operated namely 9:00am, to 4:30pm Monday to Friday with services on weekends limited to appointments only.
14. The Registry Services requires a drop off point for wedding vehicles within close proximity to the Gilstrap Centre. Following discussions with Nottinghamshire County Council Highways it is proposed that, subject to the necessary Traffic Regulation Order (TRO), an existing 34m long temporary bus lay-by on Castle Gate (see Plan) would be re-assigned as a dedicated drop-off/collection bay for wedding vehicles associated with the proposed use.
15. The operation of limited waiting parking and loading bays across Newark Town Centre has recently being re-assessed by Nottinghamshire County Council Highways. Should planning permission be granted for the proposed change of use, a TRO consultation would need to be carried out in respect of re-assigning the current bus lay-by.
16. Staff parking would not be provided on site, car sharing is encouraged and parking would be managed separately by the Registry Service.

17. Visitors and wedding guests would be expected to make use of the various public pay and display facilities that are located within close proximity to the Gilstrap Centre.

Consultations

18. **Newark & Sherwood District Council** – *Raise no objection to the proposal subject to NCC being satisfied that the development complies with relevant development plan policies. The District Council are currently dealing with an application for Listed Building Consent and will impose appropriate controls under this application to secure the protection of the historic asset.*
19. **Newark Town Council** - *The Council is of the opinion that there has been a lack of consultation with the community of Newark on the future of the Registrar's office. The Town Council strongly supports the retention of an office in Newark, some members of the Council feel that the Gilstrap centre is a wholly unsuitable location. The application makes provision for two 'Ceremony Rooms', the larger room can accommodate 95 people, numbers for the smaller room are not given. The Town Council consider that the use of the building for this purpose will significantly increase the number of people on a very busy road close to a roundabout. The application does not give any specific information on the number of ceremonies which can be safely accommodated, the timings of the ceremonies or whether the two Ceremony Rooms will be used simultaneously. The Town Council therefore consider it difficult to assess the number of people that could be in the area at peak times of operation. The Town Council suggest some restrictions on the number and timings of ceremonies that can be held on a particular day should be a condition of approval.*
20. *The Town Council consider that the Transport and Parking Appraisal submitted with the planning application does not quantify the number of people who would need to be accommodated in front of the building and whether or not such numbers would be safe in the context of the nearby road. They are concerned about the impact of traffic flow along Castle Gate. The Town Council object to the proposal on highway impact.*
21. *Concerns are also raised in relation to the use of a temporary bus stop as a drop-off and pick-up point for wedding cars. They consider that there is no assessment of the number of cars which will need to use the bay at peak times nor how it is going to be policed.*
22. *The Town Council suggest that traffic management and parking needs to be correctly and formally assessed within the Town and consideration be given towards extending the one way system already in place within the town centre.*
23. **English Heritage** – *Raise no objections to the proposal and recommend that the detailed design of individual elements of the scheme is considered by the County Council in-house conservation officer. English Heritage have been involved in pre-application discussions and have provided advice on the*

planning application. They welcome the amendments to the previous scheme which have addressed a number of concerns by retaining the principal spaces within the building and limiting subdivision to create the new toilet provision and office accommodation within the extended flat roof portion of the building, and new access into the reception and waiting area.

24. *English Heritage recognise the need for improved level access, and provision of public toilets for the castle grounds, to be housed within the building. They consider the principle of the external openings acceptable to meet these requirements and are content for the detailed design of the new openings to be considered by the County Council's in-house specialist conservation officer. English Heritage advise that any potential ground disturbance may require Scheduled Monument Consent (SMC).*
25. *Whilst the proposal does not include the removal of the arch, the new use necessitates the relocation of the castle and civil war exhibition. English Heritage understand that it has been agreed that the exhibition will be located to the North West Tower of the castle, which is to be welcomed. They advised that any physical alteration to enable the siting of the new exhibition may require SMC. Overall English Heritage welcome the changes made to the proposal following pre-application discussion and advice.*
26. **NCC (Built Heritage)** - *Raise no objection to the proposal, subject to appropriate planning conditions. The information in the Heritage Appraisal and Design and Access statements submitted to support the proposals are adequate to deal with the requirements of NPPF paragraph 128.*
27. *The Gilstrap was built in the 19th century as a library and is a Grade II designated heritage asset. The castle and the area around the library are scheduled ancient monument and the site also falls within Newark Conservation Area. Immediately opposite the site on two sides there are a number of listed buildings, including Grade II* nationally important examples such as the Ossington (now Zizi's restaurant). In short the area is of very high heritage sensitivity and the Gilstrap makes a considerable contribution to this very special part of Newark and the Nottinghamshire. These facts are acknowledged in the application.*
28. *With regards to the conservation principles and policies (as set out in the Newark & Sherwood District Council (N&SDC) Local Plan, the NPPF and accompanying English Heritage guidance), the continued use of the Gilstrap is to be welcomed. The most favoured use for a historic building is the original use. The Gilstrap was designed as a library in the C19th and has not functioned as such for a long while and is clearly highly unlikely to be suitable for this purpose in the 21st century. Presently, the building acts as a tourist information centre and houses an exhibition about the castle but is not fully utilised (part of the building is largely unused).*
29. *The appreciation of the history of the castle is enhanced by the interpretation and information on display, including the re-instated Norman arch which has recently been installed on one wall (this arch is constructed of material that is*

part of the 'scheduled ancient monument'). The tourist information centre is a valuable local information point, but does not in itself contribute to the understanding and appreciation of the castle.

30. *The removal of the interpretation from the Gilstrap would have a negative impact on the appreciation of the site, however, the heritage appraisal indicates that it is to re-house the exhibition within the north-west tower of the castle. No further information has been submitted as part of the planning application, and it will require further consultation with English Heritage in regards to the scheduled monument status of the tower. The officer is content that there is a commitment to the relocation of the interpretation that will suitably mitigate the removal of this function from the Gilstrap centre.*
31. *Regarding the internal alterations to the Gilstrap to accommodate a new registrar's layout and public toilet arrangement, these are primarily matters for the listed building consent process (and N&SDC) rather than the planning application. The officer is content that the correct level of consultation has been undertaken and that the views of English Heritage and N&SDC conservation experts have been followed, as such there is no objection to the proposed alterations.*
32. *Regarding the exterior of the Gilstrap and the changes to the window openings. Firstly, the new public toilet entrance will affect a early C20th portion of the building the fabric of which has less significance than the original C19th library core. The stone surround of the window here is indicated to be 'artificial stone' on the plans dating from the time of the work. The window on the southern elevation that is to be altered to form a door does affect the original fabric of the C19th library. The officer is content that the details of the alterations would not unduly harm the architectural significance of the building and that the side location of the new door further mitigates the impact of this change.*
33. *Regarding the potential for structural impacts resulting from the alterations, this is primarily a matter for listed building consent. It is perfectly possible for the windows to be elongated to form doors without unduly affecting the stability of the stonework surrounding them. However, it would be advisable that the architects seek the input of an engineer to ensure that this is the case without the need for additional structural intervention. If strengthening did prove necessary it is perfectly plausible to do this without causing any harm to the heritage significance of the building.*
34. *The installation of a new ramp for disabled access is commendable and acceptable in principle and, subject to the submission of further information regarding the construction of the ramp, this should not unduly harm the significance of the listed building. No objection to the granting of planning permission subject to conditions controlling the following matters:*
 - *Details of the railings and ramp for the new disabled access to be submitted prior to installation for agreement of the conservation officer.*

- *Details of the stone type to be used in the creation of the two new doors to be submitted and agreed by the conservation officer prior to commencement of work.*
 - *Final finish of the new doors to be agreed.*
35. **NCC (Highways) Newark & Sherwood** – *Raise no highways objections to the proposal. The Design and Access Statement for the application indicates that it has been agreed that an existing bus stop is to be reassigned as a dedicated drop-off bay for wedding vehicles during the hours of operation. This is a town centre location with public car parks and public transport facilities within close proximity.*
 36. **Severn Trent Water Limited** - Raise no objection.
 37. **Newark Civic Trust, Millgate Conservation Society, NCC (Archaeology), Canal & River Trust, National Grid (Gas) and Western Power Distribution** have not responded. Any representations received will be orally reported.

Publicity

38. The application has been publicised as affecting the setting of surrounding listed buildings and a conservation area by display of site notices and the publication of a press notice within the Newark Advertiser. Neighbour notification letters have been sent to the occupier of the Gilstrap Centre in accordance with the County Council's adopted Statement of Community Involvement (SCI). One letter of objection was received from a member of the public which raises objections to the development on the following grounds:
 - a) The planning application states that the Gilstrap Centre belongs to Newark and Sherwood District Council which the objector states is incorrect as the building belongs to the Gilstrap Charity which formed in 1893;
 - b) The proposal to make two new entrances into the Gilstrap Centre by using existing windows is very likely to cause expensive damage to all the stonework above the windows. The transoms on both windows are currently showing some damage due to pressure caused by the weight of the stonework above the windows. By taking out the bottom Mullion, the top part of the window could collapse. This problem would not be solved by inserting a new door frame as woodwork always shrinks over time. Plans to remove two parts of the internal solid walls could over a period of time cause some subsidence and damage to the building;
 - c) Traffic on Castle Gate is grid locked on most days of the week. There is no public parking at the Gilstrap Centre and the nearest public parking is always full, the proposal is therefore ill thought out in terms of traffic.
39. Councillor Keith Girling has been notified of the application.
40. The issues raised are considered in the Observations Section of this report.

Observations

41. Chapter 12 of the National Planning Policy Framework (NPPF) (2012) provides Government guidance relating to conserving and enhancing the historic environment. The Government identifies that planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment including the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the wider social, cultural, economic and environmental benefits that conservation can bring and the opportunities to draw on the contribution made by the historic environment. When determining planning applications local planning authorities are required to take these points into account. Paragraph 134 states that,

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use...”
42. Paragraph 34 of the NPPF seeks to ensure development that would generate an increase in movement is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
43. Paragraph 37 seeks to ensure that planning policies provide a balance of land uses within an area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
44. The East Midlands Regional Strategy (RS) (2009) Policy 26 seeks to ensure the protection, appropriate management and enhancement of the region's natural cultural heritage whilst ensuring development proposals do not damage historic assets or their settings.
45. RS Policy 27 relates specifically to the region's priorities for the historic environment and seeks to ensure that it is understood, conserved and enhanced, in recognition of its own intrinsic value.
46. At the local level, the Newark and Sherwood Core Strategy Development Plan Document (March 2011) contains two policies of relevance to this planning application. Core Policy 14, which relates to the historic environment and seeks to ensure that continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, including scheduled monuments, listed buildings and conservation areas and Policy NAP 1 C seeks to protect and enhance the architectural, historic and archaeological character of Newark and its riverside. Policy NA O2 seeks to promote, protect and enhance the character and qualities of Newark Town Centre as a place for retail, business, administration, entertainment and tourism. Spatial Policy 7 relates to sustainable development and seeks to encourage and support development proposals which promote an improved and integrated

transport network and an emphasis on non-car modes as a means of access to services and facilities.

Assessment of the proposals impact on Heritage Assets

47. The Gilstrap Centre is Grade II listed, lies within a conservation area, is surrounded by listed buildings and lies within the grounds of a scheduled monument; Newark Castle. Careful consideration therefore needs to be given to preserving the special character of the Gilstrap Centre and also to preserving and enhancing the setting of Newark Castle and its gardens, the conservation area and the listed buildings within the vicinity of the application site.
48. The application is supported by a Heritage Assessment (November 2012) and a Design and Access Statement (November 2012)

Impact of the proposal on Listed Buildings and their settings

49. The majority of the proposed alterations to the building are internal and would occur within the 'extended' flat roof section of the Gilstrap Centre. These comprise the creation of two new offices and the public toilet remodelling. In terms of alterations that would impact upon the original fabric of the Gilstrap Centre, this involves the partitioning of the existing back office and creation of a new doorway, leading into the newly formed reception and waiting area. These new partitions would be designed to be removable and would therefore not affect the integrity of the structure and fabric or the original building.
50. The proposed external entrances are designed to blend into the existing building in terms of materials and detailing, existing stonework and detailing would be retained where practicable. The creation of all new openings would be sympathetic to the character of the Grade II listed building and it is therefore considered that this element of the proposal would not detrimentally impact on the integrity of the listed building. Therefore the proposal is in accordance with Core Policy 14 and Policy NAP 1 C of the Newark and Sherwood Core Strategy. In addition the alterations would not adversely affect the listed buildings within the vicinity of the application site or their setting.

Impact of the proposal on Newark Conservation Area

51. The Newark Conservation Area (CA) covers the historic core of Newark Town Centre. The built form of the CA is varied and includes a range of types, scales and designs of buildings, being typically characterised by neo classical and Georgian features. The townscape is also enhanced by a number of smaller medieval timber framed buildings and Victorian civic architecture, along with a number of 20th Century developments. Within the vicinity of the application site Castle Gate is defined by its Georgian and early Victorian terraced properties facing the castle grounds. Many of these are listed buildings.

52. The Gilstrap Centre is a Victorian building and is highly visible from both Castle Gate and from the north and west in the Castle Gardens. As such the application site coupled with its unique setting makes a positive contribution to the Castle Gate street scene and the CA as a whole.
53. It is considered that the proposed development would not have a detrimental impact upon the character of Newark CA. The external alterations to the Gilstrap centre are comparatively minor and would not affect the overall character of the Newark CA. The delivery of the scheme would allow for the continued use of the building making it a viable public building within a CA. The proposal is therefore in accordance with the NPPF, the East Midlands RS and Core Policy 14 and Policy NAP 1 C of the Newark and Sherwood Core Strategy (2011), in terms of impact on the character of a CA.

Assessment of access and transport

54. There is no vehicular access onto the application site. The development would add to the number of visitors to the Gilstrap Centre in order for them to carry out registration activities and attend weddings. The formal ceremony room would be capable of seating approximately 95 people whilst the applicant has indicated that the smaller ceremony room could accommodate up to 24 guests. It is proposed that visitors and wedding guests would be able to make use of a number of public pay and display parking spaces that are located within close proximity to the Gilstrap Centre.
55. The scheme proposes to utilise a temporary bus lay-by situated on Castle Gate very close to the Gilstrap Centre. Notwithstanding the comments made within the Design and Access Statement, as noted in the comments by the County Council's Highways (Development Control) Officer reported above, this has not yet been formalised. Discussions are understood to have taken place with a view to undertaking a TRO consultation to allow for the lay-by to be used by wedding vehicles, although procedurally this cannot commence until a planning permission has been granted.
56. The bay measures some 34m in length and is considered capable of accommodating 5-6 wedding vehicles. Subject to the TRO being approved, it is envisaged that Registry Office would issue permits to authorised wedding party vehicles and the use of the bay would be enforced on such a basis. Staff parking would not be provided on site, car sharing would be encouraged and parking managed separately by the Registry Service.
57. It is considered that the proposed development would not cause undue traffic issues and no objections are raised by the Highways Authority. The Town Council's suggestion that consideration be given towards extending the one way system already in place within the town centre lies outside the scope of this application, although the operation of limited waiting parking and loading bays across the town centre has recently been re-assessed by Nottinghamshire County Council Highways. The proposed rehousing of the existing Tourist Information Centre to premises at Riverside Park would provide it with an accessible and visible location making use of a building understood to be already within the district council's ownership.

Operating Hours

58. The application seeks to maintain its current operational hours of 9am to 4:30pm Monday to Friday with services on weekends limited to appointments only. The applicant does, however, anticipate that the superior character and backdrop of the proposed premises is likely to increase demand for weekend weddings, particularly during the summer months.
59. Whilst the recent Protection of Freedoms Act now allows marriage and civil partnerships to take place at any time of day or night, there is no obligation on local authorities to provide services outside the traditional hours of 8am to 6pm. Subject to demand, ceremonies could be conducted on Saturdays to 7pm from May to September, but it is not proposed to provide a general offer for the public to request a ceremony at any time of the day or night. Couples wishing to book ceremonies during the evening would only be able to do so if an Approved Premise is willing to take that booking. This would be in line with the approach undertaken at other Registration Offices, as approved recently by the County Council's Community Safety Committee.
60. Notwithstanding the above approach agreed by the County Council it is considered that, given its town centre location, an imposition on opening times of the Gilstrap Centre at weekends would not be appropriate.

Other Issues

61. It is acknowledged that one of the windows proposed to be removed from the Gilstrap Centre has been etched with the name 'G.G.Killingley' and dated as June 1883. Killingley was the first librarian at the Gilstrap. The applicant proposes to remove this particular window in its entirety and retain it on public display within the building. This issue falls to be considered within the application for Listed Building Consent before the district council rather than the application for planning permission before this Committee, however, an informative is suggested.
62. Objections raised in respect of the alterations affecting the structural integrity have been specifically raised with the County Council's Historic Buildings Officer who, as reported above, considers the proposed works capable of being undertaken without affecting the stability of the surrounding stonework.
63. The objection raised that the planning application incorrectly states that the Gilstrap Centre belongs to Newark and Sherwood District Council rather than the Gilstrap Charity has been rectified by the serving of amended certificates.

Other Options Considered

64. 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.

Human Rights Act Implications

65. 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

66. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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

67. The development would be located within a town centre location and would benefit from perimeter walls.

Conclusions and Statement of reasons for the decision

68. The proposed development is supported by Newark and Sherwood Core Strategy Core Policy 14 and Policy NAP 1 C in that it would not cause harm to a heritage asset, or adversely affect the setting of listed buildings within close proximity of the application site, nor on the Newark Conservation Area. In addition it is supported by Newark and Sherwood Core Strategy Core Policies NA 02 and Spatial Policy 7 as the proposed development is located within a sustainable town centre location close to public transport facilities, and allow for integrated and sustainable transport movements to be carried out by visitors to the Gilstrap Centre.
69. The assessment of the planning application and supporting documents has demonstrated that the proposed development would not result in any significant harmful impacts in terms of the historic environment and would not have adverse impacts on local transport.
70. Whilst it is acknowledged that concerns relating to the impact the proposal may have on the Grade II listed Gilstrap Centre and local transport networks, these impacts have been assessed against Newark and Sherwood Core Strategy Core Policy 14 and Policy NAP 1 C, RS Policies 26 and 27 and paragraph 134 of the NPPF that acknowledge that any harm to a designated heritage asset can be weighed against the wider public benefits derived by a development. In this respect the relocation of the Registry Office to the Gilstrap Centre will allow the County Council to provide an enhanced Registration Service with a new Wedding/Ceremony space for Newark.
71. It is therefore concluded that the development represents an appropriate form of development which compiles with the criteria of Newark and Sherwood Core Strategy Core Policy 7 and 14, Policy NAP 1 C and Policy

NA 02 and there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as result of the proposed development would reasonably be mitigated by the imposition of the attached planning conditions.

RECOMMENDATIONS

72. 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 for Policy, Planning & Corporate Services

Constitutional Comments

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

[NAB 14.2.13]

Comments of the Service Director - Finance

The contents of this report are duly noted; there are no financial implications.

[DJK 14.2.13]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Newark West Cllr Girling

Report Author/Case Officer

Nina Wilson

0115 9696507

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

offrep.doc – DLGS REFERENCE
PSP.JS/PAB/EP5362 – COMMITTEE REPORT FOLDER REFERENCE
14 February 2013

APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Commencement

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

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

Notification of Commencement

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement of the development at least seven days, but not 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 for the avoidance of doubt.

Schedule of Approved Drawings

3. Unless otherwise agreed in writing with the CPA, or where amendments are made pursuant to the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
 - a) Design and Access Statement (November 2012) received by the CPA on 30th of November 2012
 - b) Heritage Assessment (November 2012) received by the CPA on the 30th of November 2012

- c) Drawing No. 084 (08) 001 'Proposed Ground Floor Plan' received by the CPA on the 30th of November 2012
- d) Drawing No. 084 (08) 002 'Proposed Rear Elevation Castle Gardens' received by the CPA on the 30th of November 2012
- e) Drawing No. 084 (08) 003 'Proposed Side Elevation Castle Gardens' received by the CPA on the 30th of November 2012
- f) Drawing No. 084 (08) 004 'Detail Elevation and Section New Public Toilet Entrance' received by the CPA on the 30th of November 2012
- g) Drawing No. 084 (08) 005 'Detail Elevation and Section New Accessible Side Entrance' received by the CPA on the 30th of November 2012
- h) Drawing No. 084 (08) 006 'Proposed Site Plan' received by the CPA on the 30th of November 2012

Reason: In order to define the extent of the permission hereby approved.

Materials and Detailing

- 4. Prior to their use on site samples of the final finish of the new doors shall have been submitted to and approved in writing by the CPA. The development shall thereafter be carried out in accordance with the approved details unless a variation is otherwise agreed in writing by the CPA.

Reason: In the interest of visual amenity.

- 5. Prior to their use on site details of railings and ramp for the new disabled access shall have been submitted and approved in writing by the CPA. The development shall thereafter be carried out in accordance with the approved details unless a variation is otherwise agreed in writing by the CPA.

Reason: In the interest of visual amenity.

- 6. Prior to their use on site details of the stone type to be used in the creation of the two new doors shall have been submitted to and approved in writing by the CPA. The development shall thereafter be carried out in accordance with the approved details unless a variation is otherwise agreed in writing by the CPA.

Reason: In the interest of visual amenity.

Informative

- 1. The applicant's attention is drawn to the etched signature of 'G.G.Killingley' and dated June 1883 on one of the windows proposed to be removed. This has historical significance as Killingley was the first librarian at the Gilstrap Library and its preservation is therefore important and an issue to be considered as part of the application to Newark and Sherwood District Council for Listed Building Consent.

26th February 2013**Agenda Item: 7****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING &
CORPORATE SERVICES****RUSHCLIFFE DISTRICT REF. NO.: 8/12/01028/CMA**

**PROPOSAL: RETROSPECTIVE APPLICATION TO RETAIN A STORAGE BAY
ERECTED FOR THE STORAGE AND PROCESSING OF INCINERATOR
BOTTOM ASH (IBA) AND FOR A CHANGE OF USE ON PART OF THE
LAND TO EXTEND THE COMMERCIAL AND INDUSTRIAL WASTE
TRANSFER AREA TO ACCOMMODATE THE IBA STORAGE BAY**

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

APPLICANT: MR STEVE JOHNSON

Purpose of Report

1. To consider a retrospective planning application for the retention of an outdoor storage bay erected to store and process incinerator bottom ash (IBA) at the Johnsons Aggregates Materials Recycling Facility (MRF), Bunny, and for a change of use on part of the land to allow for the storage and processing of commercial and industrial waste, rather than the currently permitted inert material. The key issues relate to the appropriateness of the development in the Green Belt, dust, noise and odour impacts, visual amenity, traffic impact and ecological effects on the Bunny Old Wood Site of Importance for Nature Conservation (SINC) and Nature Reserve. As the site 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 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 $\frac{3}{4}$ 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 157m to the north-east, albeit separated from the site by the A60 (see Plan 1); and Chestnut Farm and Hillside Farm Care Home approximately 200 m 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.
4. The former Bunny Brickworks lies immediately to the north of the MRF site. To the west and south, lies the former Bunny Landfill site, which has recently been restored to grassland. Beyond the former landfill site, to the west and south-west lies arable land, with further agricultural land to the east, beyond the A60.
5. The MRF site comprises approximately 1.06 ha. of operational land, with the application site for the storage and processing of IBA, occupying the most southerly sector of the south-eastern part of the site, and having an overall footprint of 2,300 sq.m.
6. There is bunding to the south-eastern boundary of the MRF site, providing screening along Bunny Hill. The site is accessed off the A60 Loughborough Road.
7. The MRF 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.
8. The site layout comprises two 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, except for the most southerly rectangular sector of land which lies directly adjacent to, but just beyond land permitted for commercial and industrial waste treatment. It is this southern sector of land that is the subject of a change of use from construction and demolition to commercial and industrial waste operations.
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 and stockpile conveyors. The site also contains site offices, vehicle parking and a weighbridge.
11. The nearest designated nature conservation site is Bunny Old Wood SINC and Nature Reserve, which lies approximately 200m to the south-east.

Relevant site history and background

12. As stated, the application site is situated within an existing MRF, which operates under a number of planning permissions granted by the County Council, as Waste Planning Authority.

13. 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.
14. 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.
15. 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.
16. Under this permission, the hours of operation, which are still in force today, were set at 0730 hrs to 1800 hrs Mondays to Fridays, and 0730 hrs to 1300 hrs on Saturdays. Within these times, crushing and screening operations were only permitted to take place between 0800 hrs and 1700 hrs on weekdays, and between 0800 hrs and 1230 hrs on Saturdays. There was no permitted working on Sundays, Bank or Public holidays.
17. 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.
18. A non-material amendment to planning permission 8/96/79/CMA was approved in March 2012 to allow the current operators, 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.
19. The site also operates under an Environmental Permit issued by the Environment Agency for waste management.
20. With regards to the existing operations, planning permissions 8/94/00164/CMA and 8/96/79/CMA are the two main planning permissions that the applicant operates under, and which authorise the importation, storage, processing and transfer of inert construction and demolition wastes, and also non-hazardous commercial and industrial waste materials. The site has started to accept IBA from the Eastcroft Incinerator, Nottingham, which is by definition a commercial and industrial waste material. It is non-hazardous, but requires transfer to remove metallic materials which have a residual value. Once transferred, the raw IBA is blended with other inert waste to make an aggregate, with this material (IBA aggregate) meeting a specified standard, which is no longer classified as a waste, but as an inert product.

Proposed Development

21. The application seeks retrospective planning permission to regularise the development of an outdoor bay, for the storage and partial processing of IBA material on an area of land situated towards the south-eastern corner of the MRF site, together with a change of use on this land. This would allow for non-hazardous commercial and industrial waste streams to be stored and processed in this area, rather than the permitted inert construction and demolition waste, thereby regularising IBA storage and processing operations.
22. The proposals also involve ancillary works comprising the construction of a water collection, storage and pumping plant for the provision of a dust suppression system.
23. The dedicated IBA storage bay comprises a broadly 'square' shaped footprint measuring approximately 1,655 sq.m. with a storage capacity of 5,000 tonnes of IBA material.
24. The base of the bay has been constructed with impermeable concrete, with a directional fall into a water collection channel or sump situated to the front (west) of the bay, in a concrete pad. The bay is largely bunded, with reinforced concrete retaining panels to the eastern, northern and southern elevations, to a maximum height of 4.5m and intermittently reinforced with steel column posts, interspaced equidistantly at approximately 5-6m intervals. The bay has an open frontage, along its western elevation, with the open aspect continuing along part of its northern elevation.
25. The storage bay has a sealed drainage system, with a slight incline in the storage bay floor, falling away from the rear wall to the open frontage, to prevent surface water from collecting in the bay, and ensuring that it discharges from the bay frontage only, into the water collection sump.
26. The collected water is then fed into a fully contained wedge-shaped storage pit, situated just to the north of the bay. Once this is sufficiently full, water naturally overflows via a weir into a second storage pit, from which it is pumped into a holding tank for use in a water spray pumped suppression system. This would be used for controlling dust emissions.
27. The collection pits are cleaned out by loading shovel, as and when required, with the settled material being deposited on the stored IBA material within the bay. This has created a closed system, for water collection and re-use. Any excess water generated by periods of continuous heavy rainfall would be passed through the settling pits prior to its removal off site by tanker. The applicant uses a licensed contaminated water disposal operator to remove this residue off the site.
28. A dust suppression system is installed along the top of the storage bay walls, with this being fed by grey water from the contained water system, and supplemented by mains water, as and when required. It is activated prior to and during unloading/loading, and crushing operations, to dampen down the IBA, as well as during dry and windy conditions, to prevent any wind whipping of dust.

29. Collected water is also pumped from the contained water system into a bowser for spraying onto the IBA stockpiles, as required, to assist the weathering process and reduce dust emissions.

Operational process

30. The raw IBA is stored, crushed and processed to form secondary aggregate for use in the construction industry.
31. 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.
32. 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 would be located at the side of the crusher for the containment of ferrous metals removed by magnet. All metallic materials removed from these operations would then be stored on part of the impermeable area within the new storage bay. All mobile crushing operations are carried out within the storage bay area.
33. To assist the weathering process, the IBA material is wetted by bowsing, whereupon its chemical composition leads to the formation of a 'crust' which prevents wind dispersal of the IBA particles, whilst the raw material is stored. As part of these proposals, the application states that the stocking height of the stored IBA (unprocessed and processed) stored within the footprint of the storage bay would not exceed the maximum height of the bay, at 4.5m. It is noted that currently, the stockpiled IBA material substantially exceeds 4.5m at approximately 9m.
34. Following the outside storage and partial processing of the raw IBA material, the material is then transferred to the waste transfer building, where it is blended with other inert waste to make a secondary aggregate (IBA aggregate). 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.

Other operational matters

35. The additional storage capacity provided by the IBA bay means that the material can be 'campaign crushed' three times a week, rather than on a daily basis.
36. Operational hours would remain as permitted, as referenced in paragraph 16 of this report, as too would the annual throughput of waste materials, at 100,000 tonnes per annum. Likewise, there would be no change to existing traffic movements as a result of the development.
37. Johnsons Aggregates currently employ twelve full-time employees and it is anticipated that the increase in the IBA storage/processing capacity would create two additional full-time jobs.

Consultations

38. **Rushcliffe Borough Council** raises no objections to the proposed development.
39. **Bunny Parish Council** raises no objections to the proposed development.
40. **Environment Agency Midlands Region (EA)** raises no objections to the proposals subject to a condition securing an appropriate drainage scheme for the disposal of foul and surface water, as submitted to and agreed in writing by the Waste Planning Authority.
41. As the proposed development lies within 250m of the Bunny Landfill site (a former landfill site that accepted predominantly construction waste material) there may be potential for landfill gas to be generated. As such, developers may be required to carry out a comprehensive risk assessment due to the risks the former landfill site poses together with using building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site. 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.
42. It is noted that the applicant has submitted an application for a Bespoke Permit, allowing for the storage of IBA outside a building. A copy of the EA's advice would be sent out to the applicant with any decision notice.
43. **Environmental Health (Rushcliffe Borough Council)** raises no objections to the proposed development. It is observed that dust suppression using water, and screening of the material to prevent wind whipping of dust would be the main control measures put in place. The proposed method, if implemented correctly, should prevent any dust nuisance or loss of amenity. As such, no objection is raised providing suitable planning conditions are put in place to ensure any potential dust emissions are controlled. These controls should seek to ensure that a suitable and sufficient water supply, for the purpose of dust suppression, is available at all times; an approved dust management plan is put in place, with a view to amend or review procedures at any time; and controls over storage heights are put in place, so as to ensure that material stored in the bay does not exceed the height of the bay walls.
44. **Severn Trent Water Limited** raises no objections to the proposal and has no further comments to make.
45. **Western Power Distribution (WPD)** raises no objections to the development, but confirms that it does have Network within the site and as such requires 24 hour access, and in the event of an emergency. Any alteration, building or ground works proposed in the vicinity of the Network that may or may not directly affect any cables, must be notified in detail to WPD. A copy of this advice would be forwarded to the applicant with any decision notice.
46. **NCC (Planning Policy)** raises no policy objections to the proposal subject to there being no unacceptable environmental impacts as a result of the

development given that the new operations could vary significantly from existing operations due to the open-air nature of the proposals. Clarification should be sought from the relevant consultees to ensure that the proposals comply with the environmental protection policy set out in Chapter 3 of the Nottinghamshire and Nottingham Waste Local Plan (WLP).

47. *The site is situated in the Nottingham-Derby Green Belt, and the National Planning Policy Framework (NPPF) (March, 2012) sets out the type of development that is considered appropriate within Green Belts.*
48. *In the context of this application, paragraph 89 of the NPPF states that partial redevelopment of previously developed sites in continuing use is acceptable providing that it does not have a greater impact on the openness and purpose of the Green Belt than the existing development. The proposed change of use of the land from construction and demolition waste to commercial and industrial waste treatment, combined with the low level of the proposed built development, is not considered as inappropriate development within the Green Belt, in line with paragraph 89 of the NPPF.*
49. *At the local level, saved Policy W5.5 of the WLP provides for the development of material recovery facilities in existing employment sites, provided there are no unacceptable environmental impacts. Although the proposal is not for a new MRF, it is considered that the thrust of this policy would support the proposed alterations, subject to environmental protection.*
50. *Policies contained within the emerging Nottinghamshire and Nottingham Waste Core Strategy (WCS) should be considered as a material consideration when assessing this application. Policy WCS2 (future waste management provision) sets out a hierarchy giving priority to certain waste management types. As a form of recycling, the proposed development sits in the most preferred category.*
51. *Policies WCS3 (broad locations for waste treatment facilities) and WCS6 (general site criteria) indicate that Green Belt locations are deemed appropriate for smaller MRFs, but only where they are justified by a clear local need, particularly if it provides job opportunities or if it enables the re-use of existing buildings. As the proposal is on an existing site and will continue and improve the use of the site, no objection is raised on the basis of these policies.*
52. *Policy WCS7 (extensions to existing waste management facilities) supports the extension or improvement of existing waste management facilities where it improves the management methods, thus providing support for the principle of the proposed development.*
53. *Policy WCS12 (protecting our environment) indicates that new or extended facilities must demonstrate that there would be no unacceptable environmental impact on overall environmental quality or quality of life of those living or working nearby. There should be no unacceptable cumulative impact from the development and all opportunities to enhance the local environment should be maximised. Certainty over environmental impacts is needed for the development to be acceptable.*

54. **NCC (Landscape)** supports the proposals providing a number of recommendations are adhered to. Due to existing land use and vegetation/land form, the development would have no impact on the landscape character of the area and limited visual impact for nearby receptors. The visual impact of the development is judged as being low to insignificant.
55. There may be limited views of the storage bay for users of the A60 over the top of the existing bund, where there are open sections of ground between the bund and the highway; and from Woodside Farm, though these would be restricted by existing vegetation on both sides of the A60 and the aspect of the farm buildings windows, with the impact being judged as being low. To the north, views of the development from properties along Gotham Road are limited by existing woodland and the existing waste transfer building.
56. Some slight views may be afforded from properties at the western end of the houses along Gotham Road but the impact would be slight. Hedgerows to the fields between the site and Hillside Farm, and the topography of the land as it rises up the escarpment, restrict views of the development site from the care home and it is anticipated that the impact would be insignificant. From further afield, there is potential for some views of the development from the edge of Bunny Old Woods, notably from the bridleway along the northern edge. However, filtered by vegetation and set against the existing industrial elements of the works, the impact would be minimal.
57. With regards to the impact on landscape character, it is noted that the site and the land in the immediate vicinity is already under industrial use. The incorporation of a storage bay and the change of use would have no significant impact on the landscape character of the area.
58. In order to mitigate views from the A60 and Woodside Farm, it is recommended that some strategic native tree planting is used within the open land between the road and the bund. It is acknowledged that this land is not marked as being under the control of Johnsons Aggregates but discussions with the applicant have indicated that this may be feasible.
59. **NCC (Highways) Rushcliffe** raises no objections to the proposal as it would not have a detrimental impact on the highway given that there would be no change to existing traffic movements associated with the site. According to Section 4.3 of the 'Design and Access Statement', materials delivered to the site for recycling would not exceed the annual quantities that the site already has permission to deal with, therefore there would no change to existing traffic movements associated with the site.
60. **Nottinghamshire Wildlife Trust (NWT)** raises objections to the scheme on grounds that there is uncertainty over whether dust emissions from the site can be controlled. Attention is drawn to the potential of dust impacts on surrounding sites of biodiversity value, particularly Bunny Old Wood SINC and Nature Reserve, and it is requested that the bays and vehicles be sheeted and an adequate dust suppression system be installed. There is no reassurance that dust can be controlled, as the large bay would be open, so if filled to the top, as proposed, then wind blow of dust onto neighbouring land is inevitable even with

a misting system. It is appreciated that sheeting of the bay is difficult for operational reasons, so either the walls need to be higher, or the bays filled to below the level of the wall. Also there is no information provided on the criteria for use of the dust suppression system, such as frequency of use, wind/weather condition monitoring.

61. *It certainly appears that at times, dust has been deposited on the woodland at Bunny Wood Nature Reserve, in which case it is strongly requested that dense perimeter planting and rigorous dust suppression measures are carried out.*
62. *Attention is drawn to the fact that fugitive dust from IBA can be damaging to habitats on which it is deposited because:*
 - *It can contain high levels of nutrients and so acts as a fertiliser, which reduces plant diversity in sensitive habitats such as woodlands, as at Bunny;*
 - *It may contain trace elements of damaging and potentially phytotoxic chemicals, such as Cadmium, Manganese and Zinc Oxide (the latter is classed as 'ecotoxic', (chemically toxic to the environment) by the EA);*
 - *It can contain Sulphates of a variety of metals, which break down when it rains and leach acidity into the soil;*
 - *High levels of deposition onto leaves can reduce their ability to photosynthesise and so reduce the growth and health of the plants.*
63. **NCC (Nature Conservation)** *raises no objections to the planning application and has confirmed that the proposals would not result in any direct ecological impact, as the site itself is already developed and devoid of vegetation; and the nearest designated nature conservation site, Bunny Old Wood SINC, lies approximately 200m to the south. Possible indirect impacts could potentially arise as a result of the contamination of surface water, together with dust and noise. In mitigation, it is noted that with regards to surface water, a drainage system is proposed, and should be subject to agreement with the Environment Agency.*
64. *In terms of dust, it is observed that measures are proposed to minimise and control dust, which should be made a condition of any permission granted.*
65. *With regards to noise generated by a mobile crusher operating in the open air, in terms of significant ecological impact on wildlife using the adjacent SINC sites (i.e. Bunny Old Wood; Marbleagis Mine Bunny; Bunny Works Grassland; and New Wood, Bunny), it is accepted that there would be no significant increase in noise at the nearby SINC as the crusher has always operated in the open air to crush aggregates, and the same crusher was only used in a building initially to crush IBA which is now done outside. As the crusher is already being used outside, then it is presumed that it was assessed as part of a previous planning application, and as such, the Nature Conservation Officer finds the application satisfactory.*

66. **NCC (Reclamation)** raises no objections to the proposed development and has confirmed that from the aspect of contaminated land management there would be no significant additional impact either to human health or the wider environment from the proposals. It is also noted that the works would be subject to EA licensing. It is observed that the proposed development would be undertaken within an existing waste recycling facility separated from residential properties. The proposed facility would be constructed on impermeable hardstanding and incorporate a closed water collection system, water from which would be utilised in the on-site dust suppression system.
67. The site is not within a sensitive location, nor is it within close proximity to a watercourse, a Site of Special Scientific Interest or other applicable site, within a flood zone, or within a Groundwater Source Protection Zone. It is also a suitable distance from residents. The risks associated with storing and processing of this material outdoors is considered to be low.
68. **NCC (Noise Engineer)** confirms that the proposal would not result in any significant change to the levels of operational noise currently being experienced at surrounding residential properties. The proposal would not result in any increase to the number of HGV movements currently generated by the site.
69. A number of conditions have been suggested to cover working hours to reflect those listed in Section 20 of the planning application form; and the amount of material to be processed to reflect that listed in Section 22 of the planning application form. The suggested wording is also advised for a further condition, namely that:
- 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 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, the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criteria.*
70. **National Grid (Gas) and NCC (Countryside Access)** have made no response. Any consultation responses received will be reported orally at Committee.

Publicity

71. The application has been publicised by means of site notice, press notice and twenty neighbour notification letters have been sent to the nearest occupiers in Bunny Hill and Gotham Lane, inclusive of Hillside Farm Care Home, Bunny Hill, in accordance with the County Council's adopted Statement of Community Involvement. Nine letters of representation from nine separate households have been received raising objections on the following grounds:

- a) it would introduce a dirty and toxic waste processing industry, albeit only to retrieve scrap metal, in too close proximity to residential property;
 - b) IBA development would aggravate existing problems from the MRF, particularly of dust, noise, traffic impacts, lorries entering and exiting the site outside permitted hours of operation, and wagons being uncovered so that bricks, rocks and mud are being deposited on roads and footpaths;
 - c) increased traffic impacts along Gotham Lane, adding to existing severe nuisance levels of noise, vehicle vibration, pollutants and structural damage to residential property;
 - d) developing the site in small packages as reflected in this planning application would allow the ruling to re-align Gotham Lane to slip, and the provision of this new road infrastructure should form part of these proposals;
 - e) an IBA plant would be a major deterrent to other businesses considering re-locating to the old Bunny Brickworks site;
 - f) visual amenity impact;
 - g) impacts on the proposed road route and water lagoon site;
 - h) pollutant contamination of the local watercourse;
 - i) clearly an expansion operation;
 - j) detrimental ecological impact on the Bunny Old Wood SINC, from severe noise and dust impacts;
 - k) detrimental health impacts.
72. A letter has been received from The Rt. Hon. Kenneth Clarke, QC, MP, raising concerns on behalf of one of his constituents. Concern is expressed that the relief road has not been constructed and that there would continue to be traffic problems along Gotham Lane, considerably increased by any further development of the site.
73. A copy of the constituent's letter has also been received, as part of the correspondence from The Rt. Hon. Kenneth Clarke, QC, MP. This representation raises objections to the development on the following grounds:
- a) toxicity of the material;
 - b) dust, steam and odour impacts;
 - c) dust impacts on Bunny Old Wood, causing environmental damage;
 - d) traffic congestion along Gotham Lane;

- e) creeping development, when a valid planning consent at Bunny Brickworks exists;
 - f) working on Saturdays and Sundays.
74. Councillor Reg Adair has been notified of the application, and has sent in an email letter from one of his constituents, raising objections to the development on the following grounds:
- a) toxicity of the material, with it containing toxic chemicals, including dioxins which pose a threat to human health, and the environment, including possible consumption by grazing animals and soil pollution;
 - b) the IBA material is piled in to 'huge heaps', which is readily transported by wind and water, and can be carried on vehicle tyres;
 - c) visual impact, as these 'heaps' can be viewed from Bunny Old Wood;
 - d) thin layer of ash deposition in the Bunny Old Wood;
 - e) clouds of ash have been seen rising into the air from operations;
 - f) concerns over the content of the ash, the projected size of the store, its future use, duration in situ, any safety measures being taken to provide safe, contained storage and the efficacy of inspections;
 - g) expanding waste operations and storage problems on the site.
75. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

76. The application has been submitted by the current operators, Johnsons Aggregates, in order to regularise recent development on the MRF site, associated with improving the delivery of IBA treatment at the existing recycling facility. The driver behind the proposal is the need to increase the site's capacity to deal with this type of waste, as other waste streams have declined, to be replaced by an increasing amount of IBA material coming into the site. In order to accommodate the extended IBA waste transfer area, a change of use is sought on part of the site which has historically accepted only inert construction and demolition waste.
77. As stated, IBA is an established non-hazardous waste stream, which the MRF is already permitted to recycle under planning permission 8/96/79/CMA. However, the new operations vary significantly from previous IBA treatment due to the open-air nature of the proposals; and the acceptability of the development has been dependent on there being no unacceptable environmental impacts associated with IBA treatment as an outdoor activity, including its appropriateness in the Green Belt.

78. The aim of the planning application is to secure the improvements in operational procedures delivered under this development, and to deliver a more economic and sustainable waste treatment process, as well as a higher quality end product. The indications are that IBA is more efficiently recycled if it is stored, crushed and weathered outdoors, at the outset of the processing regime.
79. Prior to constructing the outside bay, restricted storage capacity meant that the incoming IBA had to be processed within two working days, prior to the material reaching an 'optimum' condition, of being completely cooled. This meant that material had to be crushed prior to cooling, thereby reducing the effectiveness of the crushing process, and resulting in a coarser (> 50mm diameter) crushed product than desired. This in turn led to less efficient processing, in terms of removing metallics (Ferrous and Non-Ferrous), as the magnets involved in this work more efficiently on more finely crushed material (< 50mm diameter). As this was often not being achieved through the crushing process, a high percentage of IBA, had to be reprocessed to ensure complete removal of these metals. Furthermore, the coarser (> 50mm diameter) material had a tendency to block the feed hopper and conveyor belt system, meaning that the IBA processing line had to frequently be stopped to remove blockages.
80. A further key benefit of the development is that it has delivered a higher quality end product, as outdoor storage enables the IBA material to go through the weathering process, which reduces pH levels in the untreated material, resulting in a better quality IBA aggregate.
81. Other operational benefits include improved health and safety associated with the safer operation of the mobile crusher in the outdoors rather than within the confines of the waste transfer building. Furthermore, the larger footprint of the outdoor storage bay means that incoming material can be stockpiled within the bay, should it be necessary to delay crushing operations, if weather conditions dictate (dry, windy conditions).
82. Chapter 5 of the WLP sets out the policy approach towards waste recovery and recycling activities at material recovery facilities. In terms of local waste policy implications, Saved Policy W5.5 of the WLP indicates that there is broadly overarching support for the development of material recovery facilities in existing employment sites, provided there are no 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 amenity impacts together with issues of traffic, dust, noise, odour, surface/ground water contamination; and ecological impact on the Bunny Old Wood SINC and Nature Reserve.

Green Belt Policy Considerations

83. The application site is situated within an existing MRF located within the Green Belt. Central Government guidance on 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 Rushcliffe Borough Non-Statutory Local Plan (RBNSLP) (Adopted December 2006). Also of relevance is Planning Policy

Statement 10: 'Planning for Sustainable Waste Management' (PPS10) which currently remains as national guidance for waste planning matters.

84. The RBNSLP Proposals Map incorporates land use designations within the Rushcliffe area. It identifies the application site as being located within the Green Belt and RBNSLP 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.'*
85. Under the criteria set out in Policy EN14, the IBA storage bay and change of use of land for commercial and industrial waste storage and processing is not identified as being 'appropriate development'. In the context of RBNSLP Green Belt policy, the development must therefore be considered as 'inappropriate development'. As such, the proposal has been treated as a 'departure' from the development plan.
86. Policy W3.17 of the WLP specifically considers waste development in the Green Belt. The policy states that only landfill schemes which represent the best option for reclaiming mineral workings or other derelict voids may be considered as 'appropriate' within the Green Belt. The proposals to regularise the recently constructed IBA storage bay, and a change of use of land from inert construction and demolition waste to non-hazardous commercial and industrial waste treatment to accommodate the development cannot accord with this policy and the development must, therefore, be considered as a 'departure' to this policy.
87. As a result of the proposed development not according with these policies, the application has been advertised as a 'departure' from the Development Plan.
88. 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.
89. 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 PPS10; and the established use of the planning application site, as part of an existing MRF site, already located within the Green Belt.
90. 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.

91. Paragraph 89 of the NPPF establishes a similar approach to the RBNSLP in terms of listing appropriate forms of development in the Green Belt, but has extended its definition of 'appropriate' Green Belt development to include *'the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*.
92. In this case, the application site is part of an existing brownfield site, albeit one that is in the Green Belt, which benefits from a permanent planning permission for a MRF. The proposed change of use of land from inert construction and demolition waste to non-hazardous commercial and industrial waste treatment, to facilitate the outdoor storage and processing of IBA, would be intrinsically similar to the permitted use. The crushing and screening of inert waste, and the use of associated mobile crushing and screening plant is already permitted, as well as the stockpiling of material up to 7m in height. In addition, the storage bay area has been grouped together with existing substantial built development on the site, being adjacent to a waste transfer building. The built development is comparatively low-level compared to the existing building, thereby mitigating impact to the openness of the Green Belt.
93. Paragraph 80 of the NPPF sets out the purposes of including land within the Green Belt, namely:
- *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.*
94. Within the context of the above criteria, it is considered that the proposals would not prejudice the overarching purposes of including land within the Green Belt.
95. Overall the development would have similar characteristics to the permitted use and would not result in any greater impact to the openness of the Green Belt and the purposes of including land within it than the approved development.
96. The proposed change of use of the land from inert construction and demolition waste to non-hazardous commercial and industrial waste treatment, combined with the relatively low level of the built development is therefore not considered as 'inappropriate development' within the Green Belt, in line with paragraph 89 of the NPPF.
97. The NPPF states that due weight should be given to relevant policies in existing development plans according to their degree of consistency with the NPPF.

98. As there is some inconsistency between what is deemed 'appropriate' Green Belt development established under the criteria based Policy EN14 of the RBNSLP, and that set out in the NPPF, the NPPF definition is material in terms of determining this planning application. Due weight has therefore been given to the NPPF's definition and within this context, the proposals constitute 'appropriate' Green Belt development.
99. Whilst the proposal cannot meet RBNSLP Policy EN14 and WLP Policy W3.17, material considerations including the NPPF's national Green Belt policy; the brownfield character of the site; the development's location within an established recovery/recycling facility; the existing permitted uses and associated activities already permitted in the planning application site; and the relatively low-level nature of the built development, all provide support for the development on this site subject to there being no unacceptable environmental impacts.
100. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer Green Belt 'departure' planning applications to the Secretary of State. There is a requirement to refer applications for 'inappropriate development' within the Green Belt which have a floorspace of over 1000 square metres. In this Direction, it states that 'inappropriate development' has the same meaning as Planning Policy Guidance Note 2: 'Green Belts' (January 1995) (PPG2) or any successor document. The NPPF has replaced PPG2, and within the context of its Green Belt policy, the development under consideration in this report has been assessed as being 'appropriate Green Belt development'.
101. It is therefore considered that the application does not trigger the thresholds for referral set out within the Circular and, as such, there is not a requirement to refer it to the Secretary of State should Committee be minded to approve.

Waste Policy considerations regarding the location of the development

102. In terms of delivering on key planning objectives, PPS10 acknowledges that planning authorities should seek to protect Green Belts but recognises the particular needs of some types of waste management facilities when determining planning applications; and that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.
103. General support for the development is also to be found in paragraph 21 criteria (ii) of PPS 10, which prioritises development on brownfield land.
104. The proposed development meets the requirements established under PPS10 in that it is associated with an existing MRF, on a brownfield site, albeit in the Green Belt, and is underpinned by an identified need for the recycling facility to improve operational procedures, in the processing of IBA. Essentially, the development enhances the capability of the MRF to treat IBA waste to increasingly higher standards, with the resulting end product being a higher grade aggregate. Furthermore, there is clearly an established need for the processing of IBA material within the Nottingham area, and the site provides recycling/recovery facilities within a 10km radius of the Eastcroft Incinerator.

105. The impact on the open character of the Green Belt from the IBA storage bay and associated stockpiling and processing operations would be no greater than that associated with the permitted inert waste operations. The development therefore is compliant with PPS10 guidance, which acknowledges that the locational needs of some proposed waste development means that they must be located within the Green Belt, subject to there being no unacceptable environmental impacts. It is further supported by the fact that the application site is located on a brownfield site.
106. PPS10 broadly sets out locational criteria under Annex E for enhanced waste management facilities, as in the case of this proposal. Key to this is the likely impact of a proposed development, on the local environment and on amenity. In testing the suitability of a development, consideration should be given to the proximity of sensitive receptors and the extent to which adverse environmental impacts can be controlled through the use of appropriate measures, including *'the use of appropriate and well-maintained and managed equipment'*.
107. The potential environmental impacts associated with the development are considered later in this report.

Other waste policy considerations

108. With regards to the key planning objectives in PPS 10, the proposed development supports the drive towards moving waste management up the waste hierarchy by supporting the MRF's capacity to beneficially treat IBA material. This diverts IBA waste from landfill and treats the waste as a resource by turning it into secondary inert IBA aggregate. The applicant has stated that the IBA material entering the site is sourced relatively locally from the Eastcroft Incinerator, so that it is being processed within reasonable proximity to where it is generated.

Visual impact of development and impact on the open character of the Green Belt

109. The application site is contained within an existing operational waste recycling facility, and is relatively distant to the nearest residential development, Woodside Farm, (157m). An element of mature vegetation and bunding between the site and the A60 provides significant screening of the site from the A60 and Woodside Farm. As part of the recently completed restoration works to the former Bunny landfill site, planting has been provided along the MRF's southern boundary, and partially to its south-eastern boundary. In the medium to longer term, this planting would provide substantial screening of the MRF site, including the IBA storage bay area from those areas to the south and south-east.
110. WLP 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 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.

111. In the context of WLP Policy W3.3, the development's proximity to an existing relatively large-scale waste transfer building contained within an existing operational site, would ensure that the development would appear visually integrated into its setting, as part of an established operational site. It is noted that the storage bay and associated development (IBA storage piles) would comprise relatively low level development when compared to existing operational plant, the waste transfer building and permitted stocking heights of up to 7m, thereby minimising visual impact.
112. No additional plant is proposed above and beyond that already being used on the site, nor would it involve the use of any fixed plant structures, either within or adjacent to the recently constructed storage bay area.
113. It is considered that, subject to controls over stocking height of IBA in the bay area, the development would not harm the open character of the Green Belt. Planning conditions would ensure that stockpile heights do not exceed the height of the bay, 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.
114. As stated, WLP Policy W3.4 encourages the use of screening and landscaping around waste developments. The level of built development associated with this proposal, together with controls over stocking heights within the bay, would have a low level impact upon the open character of the Green Belt. Given the planting that has been undertaken along the site's southern and south-eastern boundaries as part of the recent landfill restoration works, 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 Policy W3.4.
115. The County Council's Landscape Officer has indicated that there are no significant environmental impacts in landscape and visual impact terms. Given that the site and the land in the immediate vicinity is in industrial use, the development and proposed change of use would not significantly impact on the landscape character of the area.
116. 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 limited views of the storage bay from Woodside Farm. However, these would be largely mitigated by existing vegetation on both sides of the A60, and the aspect of the property. 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 SINC, 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 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.
117. It is noted that the IBA stockpiles presently on the site within the storage bay, substantially exceed the proposed 4.5m, at approximately 9m. However, the

applicant is currently permitted to store waste material to heights of 6-7m, so the IBA stocking height is not substantially higher than that currently permitted. Nevertheless, these stocking heights are substantially above what is being proposed under the current planning application.

118. The County Council's Monitoring and Enforcement Officers are working with the applicant to reduce stocking heights. Planning conditions attached to any planning permission would ensure that IBA stocking heights within the footprint of the storage bay are capable of being substantially reduced and brought under control. This would ensure that future stocking heights in the storage bay would not exceed the height of its retaining wall, and would be controlled to a maximum height of 4.5m. The County Council's Monitoring and Enforcement Officers understand that the material has built up very recently as a result of some mechanical breakdowns, and also whilst new processing plant is being installed and tested. They have been advised that once the processing issue has been resolved the quantities would be reduced significantly and materials stored at or below the retaining wall height. At such levels, views of the stockpiles from Bunny Old Wood SINC would not be possible.

On-going complaints associated with operational development

119. It is noted that representations have been received from local residents, objecting to the proposed development on grounds that it would exacerbate alleged on-going problems associated with the MRF, particularly that of dust and traffic impacts, and more recently odour.
120. It is acknowledged that the County Council, as Waste Planning Authority, has had complaints alleging various breaches of planning control from the operational development. These complaints have been investigated and where problems have been identified actions have been taken and the effectiveness of these reviewed at subsequent visits. Due to the intermittent nature of some of these complaints further details have been requested from the complainants but nothing further has been provided. The site continues to be the subject of regular routine monitoring to check compliance with conditions and in particular, those areas of concern raised by the complainants. No significant issues have arisen and the site will continue to be routinely monitored.
121. The issues raised as complaints are now considered in the context of assessing potential environmental impacts associated with the proposed development.

Dust impact

122. Waste operations have the potential to cause adverse impacts as a result of dust emissions. WLP Policy W3.10 identifies that dust emissions from waste processing facilities can be managed and reduced by implementing appropriate dust mitigation practices. Measures include the siting of facilities away from sensitive receptors, the enclosure of dust generating operations within buildings and enclosed areas, and the use of water to dampen down stockpiles; screen banks; temporary suspension of operations when necessary; and the use of tree screens where relevant.

123. With regards to the development, the outdoor stocking and processing of raw IBA has the potential to be a source of dust, especially in dry and windy conditions, and local concerns have been raised about the potential for fugitive dust leaving the site from increased operations.
124. This is set against a background of alleged problems with dust from the established waste processing operations, to the nearest residential development (Woodside Farm), the stables at the corner of Wysall Lane, and reportedly occasional problems at Bunny Old Wood SINC.
125. Investigations into these complaints by the County Council's Monitoring and Enforcement Officers have concluded that there are suitable controls in place, provided that the dust mitigation systems are both adequately used and correctly implemented. The problems with dust would appear to be occasional occurrences, coinciding with the operator failing to switch on the dust suppression systems. The findings would suggest that subject to the appropriate use of the suppression measures, fugitive dust impact can be suitably controlled. The situation has improved and is being kept under review, as well as the site being subject to routine monitoring.
126. Attention is drawn to the fact that there are established dust suppression measures in place on the wider MRF site. Furthermore, the proposed development makes provision for dedicated ameliorative mitigation measures, as reflected in Policy W3.10 of the WLP. The contained water sprinkler system is able to spray the bay area, and further sprinklers mounted on the waste transfer building are capable of spraying the operational and circulation routes to the front of the building. The use of water to dampen down the external circulation space and bay area would ensure that any fugitive dust associated with the unloading and loading operations, the crushing operations and IBA storage, and transfer of raw material to the waste transfer building, does not become airborne and blown towards any surrounding sensitive receptors. Dust suppression using water would be the main control measure put in place to prevent wind whipping of dust.
127. The planning application states that the applicant would suspend operations in the event that dust emissions travel further than 10 metres away from the crusher, as outlined in the Secretary of State's Guidance for Mobile Crushing and Screening – Process Guidance Note 3/16 (04). Other proactive measures to reduce fugitive dust emissions would be implemented, including a reduction in drop heights.
128. Whilst the MRF site is relatively distant from the nearest sensitive residential receptor (Woodside Farm) being 157m due north-east of the operational site, dust has allegedly been recorded at this property, together with occasional dust at Bunny Old Wood SINC, which is situated 200m to the south-east. On this basis, it is considered appropriate to place a requirement on the applicant to provide a dust management plan, to ensure that no fugitive dust travels beyond the site.
129. The relevant pollution control authority is satisfied that provided the proposed dust suppression system is implemented correctly, any dust nuisance or loss of

amenity would be prevented. It is considered that subject to suitably worded planning conditions ensuring a sufficient water supply, controls over IBA storage heights, and an acceptable dust management plan being in place, the development would be acceptable. These conditions are in accordance with WLP Policy W3.10.

130. The main processing of the IBA material would continue to be carried out indoors inside the waste transfer building, which would help to curtail further dust emissions, with only the primary crushing and storage being carried on outdoors.
131. Finally, it is observed that over the longer term recent planting along the site's southern and south-eastern boundary associated with restoration of the former Bunny landfill site, as it becomes established, would help to suppress dust generation by trapping dust and reducing wind flow.
132. It is considered that it has been demonstrated that the development under consideration in this report, is capable of being adequately mitigated, in terms of controlling any fugitive dust impact. As such, it is considered that the proposals would not cause any cumulative impact.

Noise impact

133. 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.
134. Due to the significant amount of traffic noise generated by vehicles on the A60, the background levels in the locality are relatively high, and noise has not been considered to be an issue to date. This is a matter that the County Council's Monitoring and Enforcement Officers intend to keep under review.
135. It is observed that the development is relatively distant from residential development and given the location of the site and the proximity of the A60, it is not anticipated that the IBA operations would generate any significant noise impact.
136. The noise levels generated by activities associated with the outdoor storage and partial processing of IBA in the southern sector of the site, would be similar to those generated by other waste treatment activities already permitted on the site. The County Council's Noise Engineer is satisfied that the development would not give rise to any significant change to levels of operational noise, to the nearest sensitive residential receptors.
137. Nevertheless, it is considered prudent to condition operational hours, and to place 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 would ensure that in the event of any verifiable noise nuisance arising, the IBA processing is capable of being suitably controlled.

Odour impact

138. WLP 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.
139. It is noted that over the previous 12 months complaints have been received alleging odour problems associated with the MRF. The materials brought to the site are primarily inert construction and demolition waste which is unlikely to generate odours and has not generated complaints historically. More odour complaints have been received since the importation of IBA to the site started. The description of the odour is given as 'noxious'.
140. 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 'noxious' description given by complainants. To date, on one occasion odour has been noted off site in Bunny Old Wood SINC, but this was only noted intermittently.
141. Whilst it is not considered likely that odours associated with IBA would be sufficient to cause a problem, given the complaints made, it may be possible that under certain climatic conditions these odours could be detected off site. The matter remains under review and investigations will continue to establish the source of the odour complained of. It is noted that whilst the County Council's Monitoring and Enforcement Officers have requested further details from complainants, regarding the nature of the odour, where it is detected and its duration, they have had nothing specific back, only general comments, which means that Officers have not been able to discount another source.
142. Attention is drawn to the fact that odour is controlled under the site's permit issued by the EA, and that the County Council's Monitoring and Enforcement Officers intend to advise them of their findings in due course, and request that the Agency acts appropriately, if the site is considered a problem in relation to odour.
143. Whilst there is nothing to indicate that the development would be adversely odorous, and the activity is relatively distant to sensitive residential receptors, it is nevertheless considered that existing and appropriate pollution control measures are in place to ensure that odour can be suitably mitigated in accordance with Saved Policy W3.7 of the WLP. Furthermore, PPS 10 advises against different regulatory authorities duplicating controls.

Ecological impact

144. The Nature Conservation authorities 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, the NWT objects to the development on the grounds that it would give rise to significant ecological impact on the Bunny Old Wood SINC and Nature Reserve from fugitive dust emissions, and it is not considered that these impacts are capable of being suitably mitigated by the provisions put forward in the planning application. Whilst the applicant has put in a dust suppression system as part of the development, it is not considered that this is sufficiently robust enough to prevent dust impacts occurring at the Bunny SINC.

145. Contrary to the view taken by the NWT, it is considered reasonable to accept that the proposed dust suppression methods are capable of controlling dust. Both the pollution control authorities (Environmental Health and the EA) and the County Council's Monitoring and Enforcement Officers are satisfied that the mitigation measures being proposed, including requiring the applicant to deliver an adequate dust mitigation plan, are capable of controlling any fugitive dust emissions associated with the outdoor processing of IBA material.
146. Whilst NWT has raised the issue of mitigation planting, it is noted that the possibility of any further strategic planting may have limited success, given that the preferred area for planting up to the east of the site, between the site and the A60, is outside of the control of the applicant. An advisory note would be attached to any decision notice advising the applicant to explore this matter further, and it is understood that the County Council's Landscape Officer has discussed this issue with the applicant and it may be feasible to undertake some strategic planting within this area. In mitigation, attention is drawn to the fact that there is reasonable attenuation planting and bunding around the site.
147. Overall, it is considered that planning conditions controlling stocking heights within the storage bay and requiring a dust management plan, together with ensuring a sufficient water supply, would ensure that suitable controls are in place to curtail any fugitive dust impact from the IBA operations.

Surfacing and drainage

148. 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.
149. It is noted that the development has been constructed on impermeable hardstanding and incorporates a closed water collection system, preventing seepage into groundwater; water from which is then utilised in the on-site dust suppression system. Any residue would be collected and containerised for transporting off the site by a licensed contaminated waste water disposal operator. Planning conditions would ensure that any drainage scheme for the disposal of foul and surface water, is appropriately robust, and complies with the appropriate pollution control authority. This would serve to mitigate any potential impacts, in terms of polluting local ground or surface water, in accordance with WLP Policy W3.5.

Land contamination

150. The County Council's Reclamation Officer has indicated that with regards to any contaminated land management issues associated with the development, there would be no significant additional impact either to human health or to the wider environment from the proposals. It is noted that the site is a suitable distance from residential development, and that all outdoor IBA processing operations would be contained within the bay on an impermeable surface preventing any residual seepage into the ground. Furthermore, pollution controls would also be in place as the IBA treatment is subject to EA licensing, and the risks associated with storing and processing this material outdoors is considered to be low.

IBA Toxicity

151. The toxicity of the IBA waste has been raised as a concern by a number of local residents in relation to this development. The EA has been able to verify that in terms of their classification of the IBA material under their permitting regime, IBA is a non-hazardous waste stream, but not an inert. However, once the IBA material has been processed, the County Council's Monitoring and Enforcement Officers are satisfied that the end product is an inert secondary aggregate (IBA aggregate).

Highways implications

152. WLP 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.
153. A key issue raised by local residents relates to traffic impact. The nature of these objections is focused primarily on increased traffic congestion along Gotham Lane, and the realignment of this road, which it is considered should form part of the current proposals under consideration in this report.
154. Attention is drawn to the fact that the realignment of Gotham Lane to provide for a new link road between the C33 Gotham Lane and the A60 Loughborough Road, is associated with the approved redevelopment of the former Bunny Brickworks site for Classes B1 (business), B2 (general industrial), B8 (warehousing) uses. First granted outline planning permission by the Borough Council in 1994, a more recent application was approved in 2010 (10/00777/EXT) seeking to extend the life of the outline planning permission, which had been further extended in 1999 and 2005.
155. A condition was attached to outline planning permission 10/00777/EXT, requiring these highway improvements be carried out, prior to any of the permitted buildings being brought into use, so as to mitigate the potential impact of significant numbers of vehicles associated with the major redevelopment of the site.
156. The current position regarding the new link road is that the planning permission covering the former Bunny Brickworks as yet remains unimplemented and, therefore, the requirement for the provision of the new road has not been triggered.

157. The MRF site does not form part of the major redevelopment of the former Bunny Brickworks site, and the development under consideration in this report is a separate entity to that of the wider redevelopment of the Bunny Brickworks.
158. It is observed that there is more than adequate highway capacity to cope with the levels of traffic associated with the materials recycling operations, with the site being serviced by a primary road network.
159. In terms of the proposed development, the access to the site remains unchanged being directly off the A60. Historically this has been considered suitable in highways terms and therefore no routeing or lorry movement restrictions have been included on any of the planning permissions covering the MRF.
160. The main focus of local resident concerns relates to the use of Gotham Lane, rather than the A60. It is understood that the majority of the traffic attending the MRF site is directly from or to Nottingham and would therefore use the A60 and not Gotham Lane. Whilst some HGV lorry movements associated with the Bunny MRF do occur along Gotham Lane, given that the existing planning permission (Plg. Ref. 8/94/00164/CMA) does not restrict lorry routing to and from the site, it is understood that these lorry movements are minor compared to those associated with the British Gypsum works. In terms of the current development, the IBA being taken into the site is from the Eastcroft Incinerator, which is routed along the A60.
161. The development accords with WLP Policy W3.14, given that there is nothing to indicate that there would be any extra lorry movements, above and beyond those already permitted, and that the existing highway network, which serves the site, has sufficient capacity to accommodate traffic associated with the MRF. The vehicular traffic associated with the development would have no greater impact on the surrounding highway network and local community than the existing operations. The County Council's Highways Officer has indicated that the development would have no detrimental impact on the highway given that there would be no change to existing traffic movements associated with the proposed development.

Annual throughput of waste material

162. It is noted that over recent years, the economic conditions have impacted on the amount of inert construction and demolition waste being generated so that the site has not been operating at capacity. Whilst this makes it easy to accommodate an increase in IBA treatment, there has been an inevitable increase in HGV movements associated with this, as the applicant takes up the 'slack' with a new waste stream. As there is no restriction on the number of daily HGV movements permitted, this allows for flexibility to take up the natural peaks and troughs in the receipt and sale of material. However, this is nothing above and beyond the levels that the site has historically operated at.
163. The current planning application does not seek to alter this, but simply allow for better storage and handling of IBA material that is already permitted under the

permanent planning permissions, which cover site operations. It is not seeking an increase in throughput of material above and beyond that already permitted.

164. As stated, the MRF operates under planning permissions (Plg. Ref. 8/94/00164/CMA and 8/96/79/CMA) which allows for a mixture of waste material to be accepted into the site, up to a total annual throughput of 100,000 tonnes of material. The supporting information submitted as part of the original planning application (Plg. Ref. 8/94/00164/CMA) for the MRF clearly stated that the throughput of inert waste material would be 100,000 tonnes per annum. This established the operational throughput of waste materials, and the recycling facility has historically operated at this level, in terms of its processing of a mix of inert and non-hazardous waste streams permitted under planning permissions 8/94/00164/CMA and 8/96/79/CMA. This proposal does not seek an increase in the overall annual throughput of permitted waste materials that the MRF currently deals with from the established annual throughput of 100,000 tonnes. This means that any increase in IBA can be offset by a reduction in other waste streams if necessary. As this is a 'like for like' replacement of one waste stream with another, it is not considered unreasonable to put a planning condition on any planning permission to ensure that the annual throughput, for a mix of both inert and non-hazardous waste materials, does not exceed 100,000 tonnes per annum.

Sustainability considerations

165. The proposal accords with the principles of sustainable development, as set out in NPPF. Here reference is 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'*. In line with this policy direction, the proposed development delivers on core objectives, in terms of beneficially managing IBA material, rather than its disposal as waste, to landfill.
166. The IBA waste material would be recycled to produce secondary IBA aggregate. The development therefore accords with the NPPF and with PPS10, which seeks to *'deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option'*.
167. With regards to the end product, by reusing IBA it also conserves raw materials and reduces the need for primary aggregates. The proposed development would increase the amount of recycled aggregate material available for local construction projects. There is a need to maximise the use of secondary and recycled materials, not only to reduce the amount of material going to landfill, but also to conserve primary aggregates. This accords with Policy 37 of the East Midlands Regional Plan (EMRP, 2009) which seeks to maintain an appropriate supply of aggregates and safeguard sites with suitable facilities for the recycling, reprocessing and transfer of materials, such as IBA aggregate, whilst achieving a reduction in primary aggregate extraction in areas of regional importance.

168. The development has delivered improvements in operational procedures meaning that the crushed material reaches its optimum condition prior to crushing, thereby facilitating the removal of metallic material at the initial crushing stage, rather than it having to be reprocessed. Formerly, a high percentage of IBA had to be reprocessed to ensure ferrous and non-ferrous metals were completely removed. Whilst this added an economic cost to the process, it also increased the carbon footprint associated with the IBA recycling operations. Therefore, the development has delivered benefits in terms of making the IBA recycling process more sustainable. In accordance with the NPPF, this would result in a substantially reduced carbon footprint, in terms of recycling of the IBA.
169. The proposal accords with the proximity principle, given that it seeks to supply local developments with a locally recycled material. Particularly in relation to locally based major construction projects, rather than the developers having to source material from outside the local area. This contributes to sustainability by minimising the length of haul by road.
170. Finally, Paragraph 7.41 of the emerging WCS, indicates that it is often a more sustainable option to extend existing facilities, in term of economic and environmental impact, rather than developing new sites. The development is in line with this, in the respect that it has enabled the applicant to make better use of existing facilities, to increase its overall capacity to process IBA waste, at a time when other construction and demolition waste streams have been reduced with the economic downturn. It makes better use of existing processing plant and transport infrastructure, given that the site benefits from linking into a primary road network (A60) in accordance with WCS Policy WCS7.

Steam

171. It is noted that steam has been raised as a concern by local residents. However, the County Council's Monitoring and Enforcement Officers have confirmed that this is simply the cooling process, on receipt of the IBA material into the MRF, as it comes into the site as a hot material, having been transported in directly from Eastcroft Incinerator. The steam associated with the cooling process is likely to have been exacerbated by recent cold winter weather, and this may explain why local residents have recently noticed this occurrence. It may also account for some of the concerns that have been raised in relation to dust, as there are indications that the steam may have been interpreted as being plumes of ash.

Health impact

172. 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 would be 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. Indeed, the County Council's Reclamation Officer has indicated that there would be no significant additional impact to human health from the proposals.

Other issues

Mud/bricks/rocks on the road

173. It is noted that concerns have been raised regarding the deposition of mud, bricks and rocks on the road. Again these complaints have been investigated, and whilst some material has been deposited on the public highway (A60), it is advised that the road is regularly swept. It has also been observed that material is dragged from the road verges by traffic accessing the site. The Monitoring and Enforcement Officers have suggested some improvements to the site access road to reduce potential for dust/dirt being dragged from the site. This matter remains under review.

Out of hours operations

174. Allegations of out of hours activity have been made, however, the complainants have not been able to provide details of times of occurrence; and random 'out of hours' visits to the site made whilst investigating these complaints have failed to produce any evidence to support the fact that the site is working out of hours. It is advised that without proof, this matter cannot be taken any further.
175. Separately, the complainants have been written to, asking them to provide further details of alleged breaches, particularly hours of working and HGV movements, to aid and focus investigations. Nothing further has been provided to date, which makes investigating the allegations difficult. It may well indicate that these are very isolated instances.
176. Concerns raised about material (mud, bricks and rocks) deposition on the A60 Loughborough Road, and hours of operation, which are operational matters covered by conditions attached to the various planning permissions, have been investigated and the findings reported in the above text. It is not, however, considered that these operational matters have any direct bearing on the proposed development under consideration in this report, as existing planning controls are already in place under existing planning permissions.
177. Other general issues have been raised in relation to the development, in that it represents 'piecemeal' development of the former Bunny Brickworks, and that the development of an IBA plant would be a major deterrent to other business units considering re-locating to the redeveloped Bunny Brickworks site. Attention is drawn the fact that the MRF site is situated adjacent to, but outside the wider former Bunny Brickworks site, and does not form part of the proposals to redevelop the site.
178. The MRF is an established recovery/recycling centre, which operates under a number of permanent planning permissions. The proposed development is not 'piecemeal' development of the former Bunny Brickworks, but is development associated with the permanent waste operations at the MRF site. It is not anticipated that the existence of a recycling facility on land adjacent to the former Bunny Brickworks would deter other businesses from locating on the site.

Other Options Considered

179. 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

180. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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

181. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to generate impacts of visual amenity, dust and odour upon the nearest occupiers, as well as environmental impact through fugitive dust emissions on the ecology of Bunny Old Wood SINC. However, these considerations need to be balanced against the wider benefits the proposals would deliver in terms of providing improvements in IBA treatment at the Bunny MRF, and enhancing the capabilities of the MRF to beneficially treat a commercial and industrial waste through recycling rather than its disposal to landfill; coupled with the ability to control such amenity impacts through planning conditions. Members will need to consider whether these benefits would outweigh the potential impacts.

Crime and Disorder Implications

182. The MRF site, including the application site which is contained within the south-eastern part of the MRF, benefits from perimeter security fencing to restrict unauthorised access.

Implications for Sustainability and the Environment

183. The application has been considered against the National Planning Policy Framework, PPS 10 and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would improve the capabilities of an existing MRF to beneficially treat IBA waste, diverting it away from landfill, and promoting its reuse as a recycled secondary aggregate. In line with the principle of sustainable development, by reusing IBA it also conserves raw materials and reduces the need for primary aggregates. The proposed development would increase the amount of higher grade recycled aggregate material, available for local construction projects.

Conclusions and Statement of Reasons for the Decision

184. It is considered that it has been demonstrated that the proposals, by reason of the relatively low-level nature of the development being proposed and its location within an existing Materials Recycling Facility, and brownfield site, albeit

within the Green Belt, would not have a significant impact on the openness of the Green Belt; and would have no greater impact on the openness of the Green Belt, or the purposes of including land in it than the existing land use. As such, the proposal can be deemed to be 'appropriate Green Belt development' under the National Planning Policy Framework (NPPF) (March, 2012) Green Belt policy.

185. In assessing the acceptability of the proposal, consideration has been given to the NPPF; PPS 10 'Planning for Sustainable Waste Management'; Policy EN14 (Protecting the Green Belt) of the Rushcliffe Borough Non-Statutory Local Plan (Adopted December 2006) (RBNSLP); Policies W3.3 (Visual Impact), W3.7 (Odour), W3.9 (Noise) W3.10 (Dust) W3.14 (Traffic), W3.17 (Green Belt), and W5.5 (Material Recovery Facilities) of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002) (WLP) and Policy WCS7 (extensions to existing waste management facilities) of the emerging Waste Core Strategy (WCS).
186. The RBNSLP Proposals Map identifies the development site as being situated within the Nottingham Green Belt where there is a general presumption against 'inappropriate development'. Policy EN14 of the RBNSLP sets out those forms of development which are considered 'appropriate' within the Green Belt, and the proposal is 'inappropriate development' within the Green Belt when considered against the criteria of this policy. Similarly, it represents a 'departure' to WLP Policy W3.17.
187. Notwithstanding this, there are relevant material considerations, which support the development within a Green Belt location, subject to the acceptability of any environmental impacts, despite the development being considered as 'inappropriate Green Belt development' in terms of a criteria based RBNSLP Policy EN14. The NPPF states that redevelopment on brownfield sites in the Green Belt can be considered as 'appropriate development'. Further support is provided in PPS 10, which supports waste development on brownfield sites within the Green Belt.
188. The development is capable of being visually acceptably integrated into its setting, given that the scale of the development is relatively low-level compared to an existing waste transfer building that it is grouped with in the south-eastern part of the site. In addition, the stocking heights of stored IBA, which would not exceed the height of the bay walls, would be lower than currently permitted stockpile heights. As such, it is considered that the proposal would have limited impact on the openness of the Green Belt.
189. Furthermore, views from any surrounding sensitive receptors, are filtered by existing vegetation, the topography of the land, and the fact that the development is set against the industrial nature of the site. The development is in accordance with Policy W3.3 of the WLP, in terms of visual amenity impacts being substantially mitigated by the existing character of the surrounding landscape and the industrial nature of the site, and subject to controls over stocking heights.

190. In line with the NPPF and PPS 10, the development represents a sustainable means of dealing with IBA waste, and would have minimal impact on the open character and permanence of the Green Belt, being relatively low level development contained within the footprint of an existing Materials Recycling Facility.
191. Whilst there are no direct local development plan policies relating to IBA, because it is a by product of the household waste incinerator industry, national waste strategy objectives, as set out in PPS10 support the use of waste as a resource.
192. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the WLP. Subject to the use of appropriate planning conditions, significant adverse impacts would not result. In reaching this conclusion, consideration has been given to WLP Policy W3.3 relating to visual impact, Policy W3.5 relating to ground and surface water drainage, W3.7 relating to odour, W3.9 relating to noise, W3.10 relating to dust, and W3.14 relating to traffic impact.
193. There is overarching policy support for the development, in terms of Policy W5.5 of the WLP, and Policy WCS7 of the emerging WCS, given that there is no unacceptable environmental impact, subject to appropriate planning controls.
194. 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.

Statement of Positive and Proactive Engagement

195. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

196. 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 for Policy, Planning & Corporate Services

Constitutional Comments

Committee have power to decide the Recommendation. SHB.15.02.13

Finance Comments (DJK 15.02.2013)

The contents of this report are duly noted; there are no financial implications.

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

Ruddington Councillor Reg Adair

Report Author/Case Officer

Deborah Wragg

0115 9696510

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

W000997 – DLGS REFERENCE

PSP.JS/PAB/EP5363 – COMMITTEE REPORT FOLDER REFERENCE

15 February 2013 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. The development hereby permitted is for the storage and processing of Incinerator Bottom Ash (IBA) in a storage bay developed in the south-eastern part of the Materials Recycling Facility (MRF), and a change of use of land, as shown in hatched red on Drawing No. MS231-2B received by the Waste Planning Authority (WPA) on 26th November 2012, from one of construction and demolition waste transfer to a commercial and industrial waste transfer area, to accommodate the storage bay and its associated operations.

Reason: To define the development hereby approved.

2. The development hereby permitted shall only be carried out in accordance with the submitted application, and the following supporting documents, and plans other than where amendments are made in compliance with other conditions of the permission:
 - a) Planning application form, Design and Access Statement and Planning Supporting Statement, received by the WPA on 21st May 2012;
 - b) Site Location Plan Drawing No. BUNNY03A received by the WPA on 26th November 2012;
 - c) Plan titled 'IBA Storage' Drawing No. MS231-2B, received by the WPA on 26th November 2012;
 - d) Drawing titled 'Water Collection Channel for IBA Storage Bays' Drawing No. MS231-9, received by the WPA on 26th November 2012;
 - e) Drawing titled 'Water Collection System' Drawing No. MS231-8A, received by the WPA on 26th November 2012;
 - f) Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A, received by the WPA on 26th November 2012.

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

Operating hours

3. Except in emergencies where life, limb and property are in danger, which shall be notified to the WPA within 48 hours of their occurrence, the IBA waste transfer area, shall only be operated in accordance with the time periods of 0730 hrs to 1800 hrs Mondays to Fridays and 0730 hrs to 1300 hrs on Saturdays. Within these times crushing, and screening operations shall only take place between the hours of 0800 hrs and 1700 hrs Mondays to Fridays and 0830 hrs to 1230 hrs on Saturdays. No operations that would involve the movement of

materials or operation of any plant or machinery, including HGV movement onto and off the site, shall be carried out on Sundays, Bank or Public Holidays.

Reason: To protect the local amenity of surrounding land users and nearest occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Deleterious material

4. No vehicles associated with the IBA operations shall leave the MRF in a condition whereby mud, clay or other deleterious materials are carried onto the highway.

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

Dust

5. Dust emissions from all IBA operations shall be kept to a minimum and contained within the site. The operator shall take the following actions to ensure that dust emissions are minimised:
 - a) The use as appropriate of a dust suppression system throughout all working areas, particularly during periods of unloading/loading, crushing, storage and transfer of the Incinerator Bottom Ash (IBA). A suitable and sufficient water supply shall be provided to the operations at all times to enable the suppression of dust by water spray as required;
 - b) The use as appropriate of water bowzers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
 - c) The regular sweeping of haul roads;
 - d) Temporary cessation of operations in dry, windy conditions.

Notwithstanding the above, the operator shall, within one month of the date of this permission, prepare and submit in writing a dust mitigation strategy to the WPA for approval. The scheme shall be designed to ensure that dust emissions associated with the IBA operations are contained within the site. The mitigation strategy shall thereafter be implemented in accordance with the approved details, and the mitigation measures maintained throughout the operational life of the IBA operations.

Reason: To minimise disturbance from dust from the operation of the site on surrounding land users and on the ecology of the Bunny Old Wood SINC and Nature Reserve in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Noise

6. 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. 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 Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Storage Heights

7. The maximum storage height of IBA (un-processed and processed) stored in the storage bay shall be 4.5m. At no time shall stockpile heights exceed the height of the storage bay, as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231 – 4A received by the WPA on 26th November 2012.

Reason: In the interests of visual amenity and to control dust to ensure compliance with Policy W3.3 and Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Annual throughput

8. The variation and change of use of land in the south-eastern part of the site to allow for the outdoor storage and processing of IBA, shown on Drawing No. MS231-2B received by the WPA on 26th November 2012 shall not result in the total throughput of all waste (inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA waste) materials into 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 Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Buildings, fixed plant and machinery

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, 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 Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Drainage

10. Within one month of the date of this permission, details of a drainage scheme for the disposal of surface water and foul sewage from the IBA storage bay, shall be submitted to the WPA for its written approval. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Informatives/Notes to applicant

1. The attention of the applicant is drawn to the comments made by Western Power Distribution and the Environment Agency, which are dated 20th June 2012 and 13th July 2012 respectively, and which are enclosed with this decision notice.
2. Notwithstanding the fact that land is outside of the control of the operator Johnsons Aggregates, it is advised that the applicant explores the potential for some strategic native tree planting within the open land between the bund and the A60 Loughborough Road, as shown on the Location Plan Drawing No. BUNNY03A received by the WPA on 26th November 2012.

PLAN 1

The main map shows the site location relative to Bunny Hill and Old Wood SINC. Key features include:

- EXISTING WASTE TRANSFER BUILDING**: Indicated by a black arrow pointing to a rectangular building.
- PLANNING APPLICATION AREA**: A large area outlined in black.
- WATER COLLECTION AREA**: A smaller area within the planning application area, indicated by a black arrow.
- NEW IBA STORAGE BAY FOOTPRINT**: A hatched area within the planning application area, indicated by a black arrow.
- LAND IN CONTROL OF JOHNSON AGGREGATES**: An area to the left of the planning application area, indicated by a black arrow.
- BUNNY HILL**: Labeled vertically along the right side of the map.
- WOODSIDE FARM**: Located to the right of the planning application area.
- BUNNY OLD WOOD SINC**: Shaded green area at the bottom right.
- Works**: Located above the existing waste transfer building.
- Hillside Farm** and **Chestnut Farm**: Located at the bottom left.

A scale bar indicates distances from 0 to 100 metres. The road network includes A60 and various local roads like Bunny Moor, Windmill Hill, and Lodge Fm.

SITE LOCATION



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

Retrospective application to retain a storage bay erected for the storage and processing of Incinerator Bottom Ash (IBA) and for a change of use on part of the land to extend the commercial and industrial waste transfer area to accommodate the IBA storage bay, Johnsons Aggregates Materials Recycling Facility, Loughborough Road, Bunny.
Planning Application No. 8/12/01023/CMA

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Scale: 1: 2,500

Produced by: JW

Date: FEB 2013

26th February 2013**Agenda Item 8****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****GEDLING DISTRICT REF. NO.: 7/2012/1218NCC****PROPOSAL: NEW STEEL FRAMED CLAD BUILDING AND GRP KIOSK****LOCATION: STOKE BARDOLPH STW, STOKE LANE, STOKE BARDOLPH****APPLICANT: SEVERN TRENT WATER LIMITED****Purpose of Report**

1. To consider a planning application for the erection of a new steel-framed clad building and glass reinforced plastic (GRP) kiosk at Stoke Bardolph Sewage Treatment Works. The key issue relates to the acceptability of the development in the Green Belt. Accordingly the application has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission, subject to conditions.

The Site and Surroundings

2. Severn Trent Water Ltd operates a large Sewage Treatment Works at Stoke Bardolph. The works occupy approximately 50 hectares of land on the edge of the built up area of Gedling/Carlton, on the eastern edge of Nottingham, approximately 6 kilometres from the city centre (see plan 1- location). The site lies wholly within the Green Belt and the peripheral areas of the works are in Flood Zone 2.
3. The treatment works are characterised by a large array of tanks, bays, pumping equipment and control buildings, typically of concrete construction. The cylindrical tanks forming the anaerobic digester unit are particularly tall – in excess of 10 metres high - which are located centrally within the site.
4. Agricultural land largely surrounds the site to the north, east and south. The site is bordered by the A612 Colwick Loop Road and the Nottingham – Lincoln railway line to the west, beyond which is a sports ground and an area of open scrub land on the edge of Carlton.

5. Stoke Lane forms a cross-roads with the A612 and runs along the southern boundary of the treatment works. The access for the works is also from this lane. Immediately adjacent to the south-east is the Chettles pet food plant, which is also accessed off Stoke Lane.
6. The nearest residential properties are the 'New Works Cottages' located on Stoke Lane, at the Colwick Loop Road junction, these are approximately 60 metres from the nearest operational part of the Sewage Treatment Works and circa 500 metres from the closest element of the proposed development. The nearest main residential area is the edge of Carlton which is located approximately 200m to the west of the works, beyond the A612 Colwick Loop Road
7. Stoke Bardolph village lies 1km to the east of the works via Stoke Lane, with the River Trent just beyond.
8. The Sewage Treatment Works is connected to the River Trent by means of a works water channel taking the final discharge water, which enters the river at an outfall just north of Stoke Bardolph village.
9. Most of the site boundaries benefit from natural screening in the form of hedgerows and trees, notably along Stoke Lane, and also along the northern field-boundary. Small pockets of trees are also situated in the north-east corner of the site and also next to the Colwick Loop Road. Here new planting has been established as part of the road scheme as it rises in order to bridge the railway line.

Proposed Development

10. The application comprises two elements as part of the wider and continuing upgrade of the treatment works. Some associated elements such as tanks and silos constitute 'permitted development' for sewage undertakers under the General Permitted Development Order (1995) and therefore, do not require express planning permission. The two elements requiring planning permission are shown on plan 2 and detailed below:

Erection of new Steel-framed clad building (Centrate building).

11. This would be sited in the north-east section of the operational site between the sludge and cake bays, a dewatering (centrifuge) plant and an engineered water channel, on an area of undeveloped land comprising improved grassland.
12. The proposed building would comprise a steel-framed, clad building some 40 metres in length and 15 metres in depth, on a general east-west alignment. It would be 7.3 metres in height at the front, with a mono-pitched roof rising to take the total height to 10 metres to the rear, where it would abut a large rectangular concrete tank running the length of the building. The tank element benefits from permitted development rights as does a planned silo adjacent to the western elevation.

13. The main southern elevation has four roller-shutter doors and double personnel doors. The overall cladding would be Goosewing Grey, with the doors, trims, fascias and rainwater goods coloured Holly Green.
14. The building would house a variety of equipment such as air blowers, pumps, dosing equipment, pipe work and instrumentation. This is related to the need to enable Enhanced Biological Phosphorus Removal, in accordance with the requirements of the Urban Waste Water Treatment Directive to meet standards for phosphorus discharge by September 2014. The treatment processes result in the forming of phosphates including struvite and ammonia which need to be recovered before final discharge.

Erection of Glass Reinforced Plastic kiosk to house odour control equipment.

15. This would be sited on a small area of amenity grassland, in the east of the Sewage Treatment Works, amongst an area of circular tanks and a gas holder.
16. This is a standard Glass Reinforced Plastic (GRP) kiosk of some 4 metres long, 2 metres depth and 2.4 metres high, with a front door opening to access the odour control equipment which would be housed within. The proposed colour would be Holly Green.
17. This kiosk would form part of an ammonia removal plant and is related to the trade discharge received from the neighbouring Chettles plant. Two associated reactor tanks fall under permitted development.

Consultations

18. **Gedling Borough Council** – *No objection.*
19. **Stoke Bardolph Parish Council** – *No representations received.*
20. **Environment Agency Midlands Region** - *No objection in principle, but strongly recommends flood resilient construction is incorporated into the structure of the steel-framed clad building and any sensitive equipment is set as high as is feasible. Suggests a sustainable urban drainage approach is applied.*
21. **NCC (Nature Conservation)** – *Satisfied that the proposed works will not affect any important areas of habitat. The Habitat report does, however, make a number of basic recommendations in relation to species which could potentially be affected by the proposed works, and planning conditions should be used to ensure that these recommendations are adhered to.*
22. **NCC (Archaeology)** - *No response received. Any response received will be orally reported.*
23. **Western Power Distribution, and National Grid (Gas)** - *have not responded. Any response received will be orally reported.*

Publicity

24. The application has been advertised by means of a press notice in the Nottingham Evening Post and with a site notice, in accordance with the County Council's Adopted Statement of Community Involvement. No representations have been received. Councillors Allen Clarke and John Clarke have been notified of the application.

Observations

25. The Stoke Bardolph Sewage Treatment Works are the main works serving the Nottingham conurbation. These works are under continuing pressure and need upgrades to cope with increasing demand and respond to the tightening of environmental legislation, notably in final discharge standards.
26. In the case of the application, the proposed development is part of a wider plant installation to remove phosphates from the final treatment stream before discharge, in order to meet the requirements of the Urban Waste Water Treatment Directive by 2014. Two proposed buildings require planning permission from the Waste Planning Authority (WPA), whilst other open tanks and equipment do not require such permission.
27. Both parts of the proposed development - the Centrate Building and the GRP Kiosk - would be situated within the Seven Trent Water operational site.
28. As this application relates to a waste proposal, the Development Plan consists of the Nottinghamshire and Nottingham Waste Local Plan (adopted January 2002) and the Gedling Borough Replacement Local Plan (adopted July 2005) being located in the said borough.
29. From a review of relevant planning policy and consultation responses, the main planning considerations in the assessment of the application are considered to be: the principle of development in the Green Belt; ecology and environmental issues; landscape and visual impact; and the impact of flooding. These issues are considered in turn below.

Green Belt

30. The whole of the Sewage Treatment Works fall within the Nottinghamshire Green Belt covered by Policy ENV 26 of the Gedling Replacement Local Plan (Control over Development in the Green Belt).
31. Section 9 of the National Planning Policy Framework (NPPF) states that the Government attaches great importance to the Green Belt, that their essential characteristics are their openness and permanence. They serve five main purposes, including safeguarding the countryside from encroachment and checking urban sprawl.
32. The NPPF and Policy ENV 26 of the Gedling Replacement Local Plan state that new buildings are inappropriate development inside the Green Belt unless they fall under exemption criteria.

33. Policy ENV 26 exempts development if it is relating to agriculture or forestry; the provision of outdoor sports/recreation; cemeteries; and for changes of use to agricultural buildings to support the rural economy.
34. Paragraph 89 of the NPPF adds the following exceptions: Limited extension or alteration of existing buildings; replacement buildings of the same use and size; limited infilling of villages including for affordable housing and:
- “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*
35. Certain other criteria are ‘not inappropriate’ in the Green Belt such as some transport infrastructure, mineral extraction and engineering operations.
36. The proposed development therefore does not explicitly meet any of the listed exceptions constituting appropriate development in Policy ENV 26, though under the NPPF, which is a material consideration, the Sewage Treatment Works may be considered a previously developed site in continuing use within the Green Belt, with the proposed buildings constituting a ‘limited infilling’ of the site. It is nevertheless considered to constitute inappropriate development, for which there is a presumption against granting planning permission. The development has been considered as a departure from the adopted development plan and advertised accordingly.
37. Paragraph 87 of the NPPF states that by definition, inappropriate development in the Green Belt is harmful and should not be approved except in very special circumstances.
38. Paragraph 88 states that substantial weight should be given to any harm in the Green Belt and that ‘Very Special Circumstances’ will not exist unless the potential harm, by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
39. In balancing the potential harm against other considerations, it is appropriate to assess the proposals against the aims of the adopted Waste Local Plan Policy W3.17 (Green Belt). This policy relates predominantly to the large-scale development of waste management facilities within the Green Belt and the re-use of mineral workings for waste disposal purposes. However, proposals for other associated waste management facilities will be permitted where they:
- are closely linked to a disposal site;
 - are related to the life of the disposal operations;
 - promote sustainable waste management practices; and
 - have no unacceptable impact on the open character of the Green Belt in terms of location, design and materials.
40. The proposed buildings would be an integral part of the Sewage Treatment Works, located wholly within the boundaries of the operational site. The

development would enable the plant to continue to operate in a tightening discharge regime and therefore linked to the life of the works. The development would generate environmental benefits in the form of an improved discharge water quality, by removing excess phosphorus, which is currently entering the river. It is considered that the proposed buildings would have a very limited impact on the openness of the Green Belt, as they would be located within a large and extensive treatment works, comprising numerous large concrete tanks and other equipment. Form and materials would be similar to these other structures.

41. Also relevant is Planning Policy Statement 10 (PPS 10 -‘Planning for Sustainable Waste Management’) which remains the relevant planning policy concerning waste management proposals. A ‘Key Planning Objective’ (para 3) states that planning authorities should:

“protect green belts but recognise the particular locational needs of some types of waste management facilities ... and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.”

42. In conclusion, it is considered that the development does constitute inappropriate development in the Green Belt, but that the limited harm is clearly outweighed by the environmental gains, which would follow, thus demonstrating very special circumstances. The plans are in accordance with the adopted Waste Local Plan Policy W3.17 and PPS 10, which is a material consideration.

Ecology Impact

43. Policy W8.1 of the Waste Local Plan (Future Requirements for Waste Water and Sewage Treatment) states that new, or extensions to, or renewals of waste water treatment facilities will be permitted unless there are any ‘unacceptable environmental impacts’.
44. Proposed Policy WCS7 of the Waste Core Strategy (Proposed Submission Document) goes further and states that:

“extension, or redevelopment or improvement of existing waste management facilities will be supported where this would increase capacity or improve existing waste management methods, and/or reduce existing environmental impacts.”

A ‘Key Planning Objective’ (para 3) of PPS 10 also states that planning authorities should:

“help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.”

45. The proposals seek to deliver upgraded facilities and new plant, to improve the quality of final discharge water, by removing excess phosphorus to meet more

stringent European standards on water quality. This clearly delivers a positive environmental gain for the River Trent environment.

46. The application has been accompanied by an extended phase 1 habitat survey, updated to include the specific application areas. No protected species or important areas of wildlife are affected by the proposal. The nearest Local Wildlife Site is approximately 350m north of the site, beyond Nottingham Road, whilst local woodlands are identified as being only of local conservation value. A number of precautionary recommendations are made, with which NCC Nature Conservation concurs, in relation to specific species which could potentially be affected by the proposed works.
47. The proposed Centrate building would be located on an area of improved grassland, which has seemingly been fertilised by the adjacent sludge and cake bays resulting in a level of ruderal plant growth. Though populated by common plant species of limited conservation value, the area could act as a small area for foraging birds, animals and reptiles.
48. Immediately to the south of the proposed structure, there are some native shrubs along the line of a works water channel. The report recommends that should removal of any woody vegetation or shrubs be required, that this is completed outside of the bird breeding season. The County Ecologist requests a condition to secure this.
49. There is the potential for protected species and small mammals to enter the site and become trapped in any trenches or excavations, which may be left overnight. A condition is therefore recommended to cover or close such features at night.
50. Whilst there is a low risk of encountering reptiles within the site, operatives should be aware of them and works should temporarily cease if they are encountered, pending professional advice. An informative to that effect is therefore added.
51. Great Crested Newts are not considered likely to be at risk from the development, with no suitable water habitats available and only small areas of perimeter scrub or hedge as potential habitat. The hard-engineered ditch adjacent to the proposed Centrate building is considered unsuitable habitat for water voles.

Landscape and visual impact

52. The smallest element of the application is the GRP kiosk which would be located centrally within the wider site. It would be surrounded by numerous tanks and equipment of a much larger scale and as such is unlikely to be seen outside of the boundary.
53. The proposed Centrate building is the main consideration in this case, being a structure of medium size in the context of the Sewage Treatment Works.
54. Policy W3.3 of the Waste Local Plan (Visual Impact) seeks to ensure that all plant, buildings and storage areas are:

- located so as to minimal visual impact on adjacent land;
 - grouped together to minimise unsightly sprawl;
 - kept as low as practicable to minimise visual intrusion;
 - of an appropriate colour; and cladding or suitable treatment; and
 - satisfactorily maintained to preserve their appearance.
55. The proposed Centrate building would be located near the north-east perimeter of the treatment works, adjacent to the sludge and cake bays. Measuring some 40 metres in length, 15 metres in depth and a maximum height of 10 metres, the building would abut a new large open concrete tank of similar height and larger footprint and so visually the two elements would appear as one larger facility. As previously noted this tank benefits from permitted development. The application building would be no higher than this tank and would be clad in a neutral grey colour to match.
56. The building would be partly screened by a substantial area of woodland immediately to the south and also hedging along the perimeter fence-line, however views of the building could be achieved from a short stretch of the footpath/farm track approximately 200 metres to the east. The building would be seen against a backdrop of an extensive array of tank farms and equipment. From other viewpoints the building may be visible at distance, for example from the Colwick Loop Road to the west, but it will be seen as just part of an expansive works site, with many larger structures such as tanks and gas holders being dominant.
57. Policy ENV1 (Development Criteria) of the Gedling Replacement Local Plan states that planning permission will be granted for a development providing the development accords with other Local Plan policies and with a number of criteria:
- Development must be of a high standard of design and its appearance should not adversely affect the area by reason of scale, bulk, form, layout, or materials;
 - Development should not have a significant adverse impact upon the amenity of neighbours or the locality in general, by reasons of site activity and traffic;
 - It should make provision for safe and convenient access and circulation; particularly for children, disabled people, and pedestrians; and
 - Development should incorporate measures for crime prevention; and for the protection and management of water resources.
58. It is considered that both parts of the proposed development are of an appropriate design and form and would not adversely impact upon the locality. The nearest residential properties located on Stoke Lane are well away from the proposed development sites and would not be affected. The development would be situated within a secured operational site with an internal access network.
59. It is considered that the buildings would not have a negative landscape or visual impact due to being situated within an extensive Sewage Treatment Works which benefits from natural screening. Therefore the application is in

accordance with Policy ENV 1 of the Gedling Replacement Local Plan and Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

Ground and Surface Water / Flood Risk

60. Part of the footprint of the proposed Centrate building lies within Flood Zone 2 where there is a medium probability of flooding.
61. The NPPF seeks to direct development away from areas of highest risk of flooding, but where it is necessary, making it safe without increasing the risk of flooding elsewhere (paragraph 100).
62. Table 2 of the NPPF Technical Guidance sets out the type of development which is appropriate in Flood Zone 2. This includes essential infrastructure, specifically listing water treatment works, which have to be located in such areas for operational reasons. However such development should seek to reduce the overall level of flood risk, by incorporating sustainable drainage techniques and through judicious siting and layout. It is clear that in the case of the Centrate building, there are few or no other suitable areas within the treatment works, which lie in Flood Zone 1, where alternative siting could be achieved, indeed large parts of the treatment works are in Flood Zone 2.
63. Whilst a flood risk assessment has not been submitted in this case, the Environment Agency do not object to the application, but state in their representation that it would be prudent to raise floor levels, otherwise they strongly recommend flood resilient construction be incorporated into the structure and any sensitive equipment be set as high as feasible. It is suggested that a sustainable urban drainage approach is used to deal with surface water generated. These comments can be included as an informative.
64. The development is therefore considered to be acceptable on flood risk grounds, as it constitutes essential infrastructure within an established Sewage Treatment Works.

Other Options Considered

65. 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

66. 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

67. The development would be situated within a secured operational site benefiting from perimeter security fencing and would not raise any significant crime and disorder implications.

Human Rights Implications

68. 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.

Implications for Sustainability and the Environment

69. The development would generate a positive environmental gain for the River Trent environment by delivering an improved discharge water quality, from removing excess phosphorus, which is currently entering the river. This is in accordance with the requirements of the Urban Waste Water Treatment Directive to meet more stringent standards for phosphorus discharge.

Conclusions and Statement of Reasons for the Decision

70. A careful judgement has been reached in terms of the proposed development's acceptability within the Green Belt. The Gedling Replacement Local Plan via Policy ENV26 designates the extent of and limits development within the Green Belt. The proposed development constitutes inappropriate development under this policy and accordingly has been treated as a departure from the Development Plan.
71. However when considering the proposal against Policy W3.17 of the Nottinghamshire and Nottingham Waste Local Plan (Green Belt), the development can be supported due to the fact that it would be directly linked to the current operations and have no unacceptable impact on the openness of the Green Belt. Therefore whilst deemed in accordance with the Waste Local Plan, the application is considered to be a departure from the Gedling Borough Replacement Local Plan.
72. Material considerations relating to the Green Belt have been identified in Planning Policy Statement 10, which supports the particular locational needs of such facilities and recognises the benefits of sustainable waste management, and in the NPPF, whereby the proposed development could fall under the limited infilling of brownfield land, with no greater impact on the openness of the Green Belt. Very special circumstances can be demonstrated in terms of the environmental benefits arising from the improved water quality. These material considerations, as well as support from the Waste Local Plan, are deemed to outweigh the conflict with the Gedling Replacement Local Plan.

73. Policy W8.1 of the Waste Local Plan (Future Requirements for Waste Water and Sewage Treatment), enables extensions and new renewals to Sewage Treatment Works (STW) as long as there are no unacceptable environmental impacts. The development represents an upgrade to an existing facility, from which there would be no unacceptable environmental impacts. Indeed the facility would result in an environmental enhancement, by improving the quality of final discharge water into the River Trent. The application has been assessed for impacts on wildlife including protected species and precautionary measures are proposed.
74. Policy W3.3 of the Waste Local Plan (Visual Impact) guides the design requirements for waste management facilities. In assessing the proposals against the policy aims, it is considered that the buildings are appropriately sited and designed with appropriate external treatment. The development would not have an adverse impact on the locality or landscape due to screening by other buildings and trees.
75. STW are classed as essential infrastructure in the Technical Guidance to the NPPF and are therefore appropriate in Flood Zone 2 areas. Nevertheless it is a policy aim to seek measures to reduce the overall risk of flooding.
76. Policy ENV 1 of the Gedling Borough Replacement Local Plan sets out some general criteria guiding design, access and amenity issues. The development is considered to be in accordance with the policy, by means of appropriate form within a STW and appropriate activity, with no adverse locality impacts arising.
77. Town and Country Planning (Consultation) (England) Direction 2009 sets out criteria whereby planning applications for inappropriate development in the Green Belt should be referred to the Secretary of State to provide him an opportunity to decide whether to 'call-in' the application for his own determination. The direction identifies a need to refer development which creates a building of 1000 square metres or more of new floor space, or where development, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Having regard to the above limits it is concluded that it is not necessary to refer this departure development to the Secretary of State and NCC are therefore empowered to issue a decision.
78. The County Council is of the opinion that the proposed development is in accordance with the relevant Development Plan policies: Policy W8.1 (Future Requirements for Waste Water and Sewage Treatment), W3.3 (Visual Impact), W3.17 (Green Belt) of the Nottinghamshire and Nottingham Waste Local Plan, and in accordance with Policy ENV 1 of the Gedling Borough Replacement Local Plan. 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.

Statement of Positive and Proactive Engagement

79. 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

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

[NAB 4.2.13]

Financial Comments

The contents of this report are duly noted; there are no financial implications.

[DJK 04.02.2013]

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

Carlton East	Councillor Allen Clarke
	Councillor John Clarke

Report Author/Case Officer
Joel Marshall
0115 9696512

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

W001098.doc – DLGS REFERENCE

PSP.JS/PAB/EP5361 – COMMITTEE REPORT FOLDER REFERENCE

25th January 2013

RECOMMENDED PLANNING CONDITIONS

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

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

2. The WPA shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

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

3. Unless otherwise agreed in writing by the Waste Planning Authority (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 (1APP) received by the WPA on 4th October 2012
- b. Location map received by the WPA on 4th October 2012
- c. Drawing no. A5S/10540-PT-00501, Rev B, titled 'Centrate Treatment Planning Drawing' dated 6th September 2012 and received by the WPA on 4th October 2012.
- d. Drawing no. A5S/10540-PY-00502 Rev B, titled 'Centrate Treatment Permitted Development, Kiosk & Building Planning Drawing' dated 25th September 2012 and received by the WPA on 4th October 2012.
- e. Drawing no. A5S/10540-PT-00500, Rev C, titled 'Centrate Treatment Building Elevations Planning Drawing' dated 31st August 2012 and received by the WPA on 4th October 2012
- f. Drawing no. A5S/10540-PT-00499, Rev B, titled 'Centrate Treatment UASB Kiosk & Site Plan Planning Drawing', dated 6th September 2012 and received by the WPA on 4th October 2012
- g. Design and Access Statement dated October 2012 and received by the WPA on 4th October 2012
- h. Updated Extended Phase 1 Habitat Survey by WYG, dated 13th December 2012.

- i. Extended Phase 1 Habitat Survey by WYG, ref: A069461, dated 14th March 2011
- j. Archaeological desk-based assessment by ARCUS Ref 1169.1(1) and dated April 2008.

Reason: For the avoidance of doubt.

- 4. No clearance of woody vegetation, including hedgerows and shrubs, shall be undertaken during the bird breeding season i.e. between the months of March and August inclusive, unless otherwise approved by the WPA.

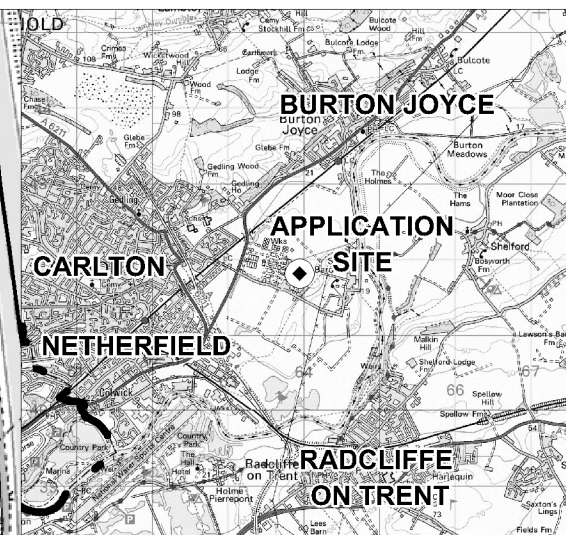
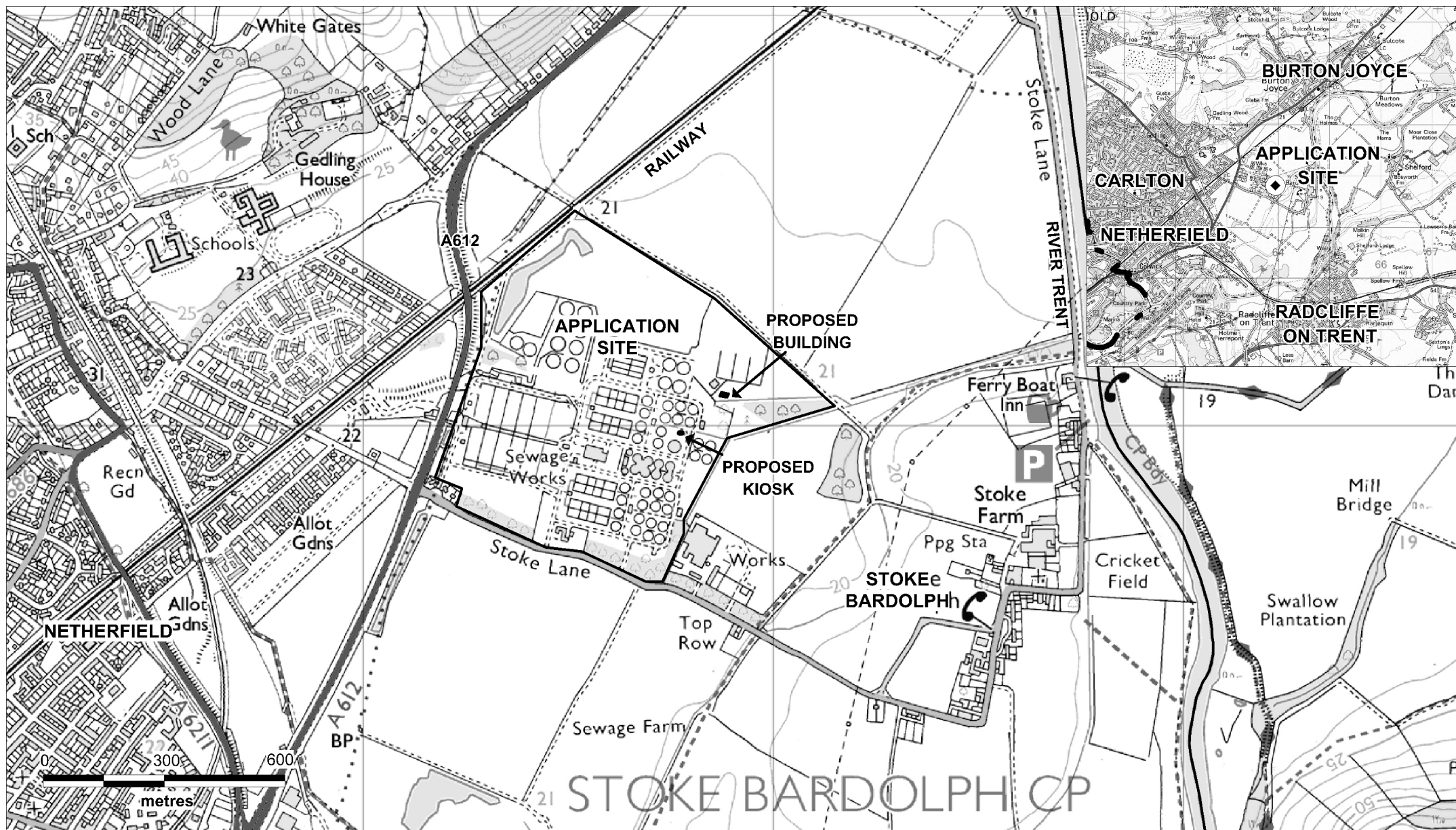
Reason: To meet the requirements of the Wildlife and Countryside Act 1981 (as amended)

- 5. Any deep trenches or excavations associated with the development shall be kept closed or covered during the night or after construction activity has ceased for the day.

Reason: In order to ensure the protection of wildlife and in the interests of nature conservation by preventing badgers or other mammals becoming trapped.

Notes to Applicants

- 1. Operatives undertaking works should be made aware of the potential presence of reptiles on site, all species of which are protected by the Wildlife and Countryside Act 1981 (as amended). Works should temporarily cease if reptiles or any other protected species are encountered, whilst the advice of a suitably qualified ecologist is sought.
- 2. Your attention is drawn to the advice of the Environment Agency, dated 8th November 2012, as attached.
- 3. Your attention is drawn to the Standing Advice from The Coal Authority dated 1st October 2008, set out below.



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

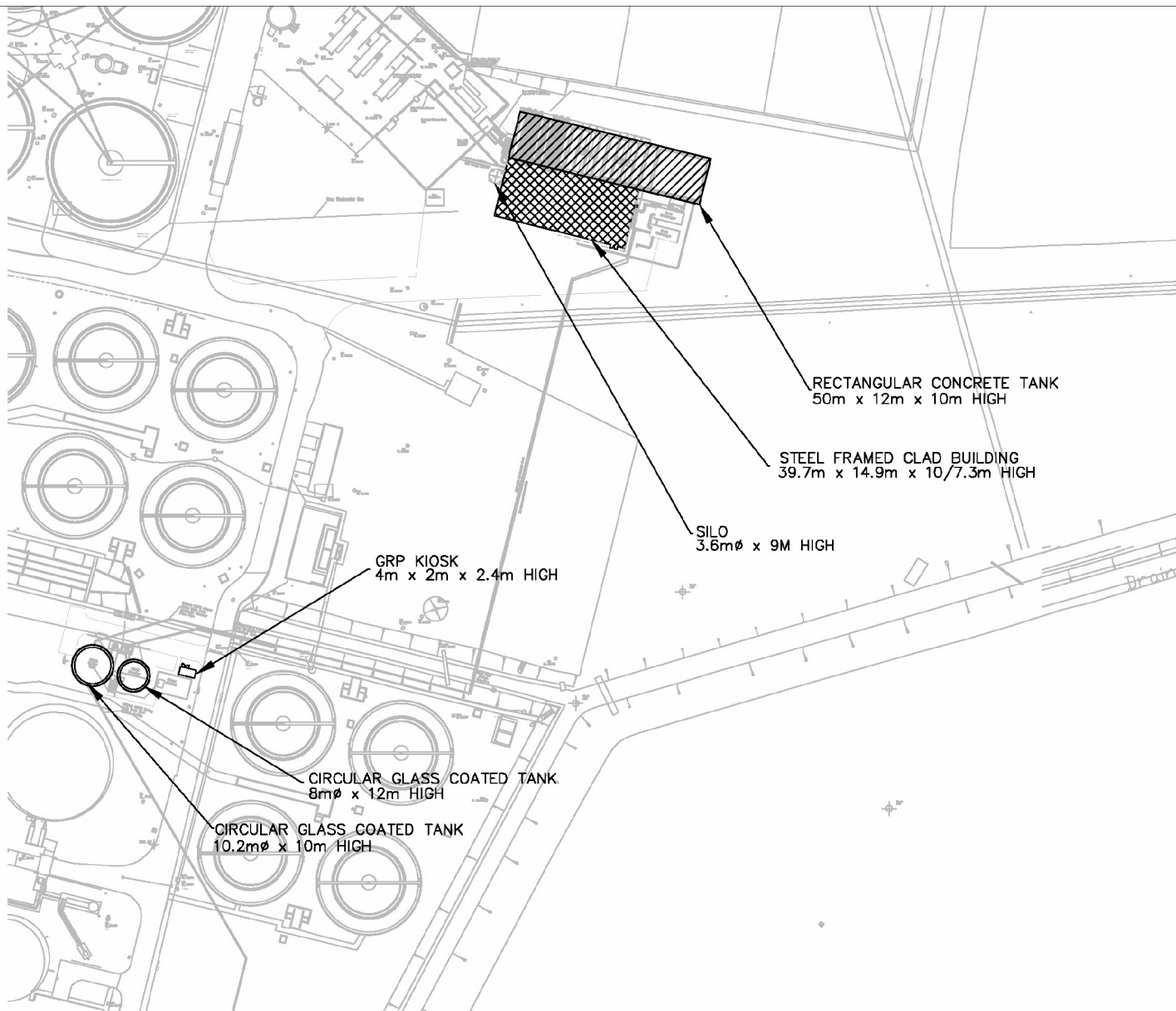
Proposed New Steel Framed Clad Building and GRP Kiosk
Stoke Bardolph STW, Stoke Lane, Stoke Bardolph
Planning Application No. 7/2012/1218NCC

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Date: FEB 2013

PLAN 1



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

Proposed New Steel Framed Clad Building and GRP Kiosk
Stoke Bardolph STW, Stoke Lane, Stoke Bardolph
Planning Application No. 7/2012/1218NCC

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Date: FEB 2013

PLAN 2

26 February 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of this Report**

1. To report on planning applications received in the Department between 01 December 2012 and 08 February 2013 and to confirm the decisions made on planning applications since the last report to Members on 18 December 2012.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks for the quarter between 01 October and 31 December 2012. Appendix C sets out any relevant updates.
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 – 14/02/2013]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [DJK – 14/02/2013]

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 9696513

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

15 February 2013

Planning Applications Received and Determined
From 01 December 2012 to 08 February 2013

Division	Member	Received	Determined
BASSETLAW			
Retford East	Cllr Mrs Wendy Quigley	Construction of 2 new classrooms, connecting link, external play space, perimeter fence (1m and 2.4m high), footpath and associated ground works. Relocation of bin store. Ordsall Primary School, Ordsall Road, Retford. Received 19/12/2012	
Worksop North East and Carlton	Cllr Alan Rhodes	Variation of conditions 2, 3 and 5 of planning permission 1/59/11/00069/V to extend the timescale for the completion of sand extraction and landfill. Carlton Forest Quarry and Landfill, Blyth Road, Worksop. Received 20/12/2012	
Worksop North East and Carlton	Cllr Alan Rhodes	Proposed change of use of warehouse 5 from storage and distribution (B8) to general industrial (B2) to accommodate internal plant to provide an on site energy from waste facility. Warehouse 5, Carlton Forest Distribution Centre, Blyth Road, Worksop. Received 02/01/2013	

Division	Member	Received	Determined
Worksop West	Cllr Kevin Greaves		Variation of planning permission 1/02/09/00273/ to apply for a short extension to the deadline for completion of the development. Worksop Recycling Centre, Shireoaks Road, Worksop. Granted 11/01/2013
Tuxford	Cllr John Hemsall		Variation of planning permission 1/52/10/00003 to remove condition 5b to allow for the supplemental delivery of Pulverised Fuel Ash (PFA) for processing from Cottam Power Station to the STI Plant at West Burton Power Station, as well as from the current main source, West Burton Power Station, Retford. Granted 15/01/2013
Worksop West	Cllr Kevin Greaves	Variation of conditions 4 (approved details) and 23 (operating hours) of planning permission 1/02/08/00326. Worksop Recycling Ltd, Shireoaks Road, Worksop. Received 21/01/2013	
Retford West	Cllr Mike Quigley MBE		To extend the life of planning permission 1/01/09/00147 granted 04/12/2009 for the erection of control kiosk and provision of new access road, Dive under Sewage Pumping Station, Adjacent to UPJ Motorspares (Formerly the Market Hotel), Off West Carr Road, Retford. Granted 24/01/2013

Division	Member	Received	Determined
Tuxford	Cllr John Hempsall		To retain the permission 1/17/09/00002 for temporary coal bed methane exploration involving the drilling of a borehole and construction of soil bunds. Land to the east of Eaton, near Retford. Granted 04/02/2013
Misterton	Cllr Liz Yates		Variation of condition 35 of planning permission 1/32/08/00018 increasing lorry movements from 50 to 75 per day to allow for the increased amount of material to be processed through the Auckley Depot. Newington South Quarry, land south of Bawtry Road and Slaynes Lane, Misson. Granted 05/02/2013 (Committee), after signing of a S106 Legal Agreement
MANSFIELD			
North Mansfield	Cllr Joyce Bosnjak Cllr Parry Tsimbiridis	Retrospective application to retain a Booster Unit, Old Mill Lane Green Energy Park, Old Mill Lane Industrial Estate, Mansfield. Received 03/12/2012	Granted 25/01/2013
East Mansfield	Cllr Bob Cross Cllr Martin Wright	New Stand alone single storey 4 classroom extension to the south of the existing school, covered walkway, new pedestrian entrance, MUGA and associated drainage, landscaping and external works. St Peters Primary and Nursery School, Bellamy Road, Mansfield. Received 16/01/2013	

Division	Member	Received	Determined
East Mansfield	Cllr Bob Cross Cllr Martin Wright	Variation of condition 18 of planning permission 2/2009/0441/ST extension of the operating hours, Mansfield Materials Recycling Facility, Warren Way, Forest Town, Mansfield. Received 24/01/2013	
NEWARK & SHERWOOD			
Rufford	Cllr John Peck	Temporary stockpiling and screening of red shale and the construction of temporary access road for a period of up to 4 years, Bilsthorpe Business Park, Bilsthorpe. Received 05/12/2012	Granted 22/01/2013
Farndon & Muskham	Cllr Mrs Sue Saddington		Application to retain existing steel container which is used for changing rooms by groups using the multi-user games area (MUGA), Muskham Primary School, Main Street, North Muskham. Granted 10/12/2012
Balderton	Cllr Keith Walker		Upgrade of existing ball court provision within school grounds: erection of new ball court fencing and re-surfacing works, Chuter Ede Primary School, Wolfit Avenue, Balderton. Granted 20/12/2012

Division	Member	Received	Determined
Farndon & Muskham	Cllr Mrs Sue Saddington	Revised final restoration contour and compliance with conditions 18 and 23 of previous planning permission 3/14/91/1237. Staple Quarry, Grange Lane, Cotham. Received 21/12/2012	
Farndon & Muskham	Cllr Mrs Sue Saddington		Application not to comply with conditions 14 & 17 (Conveyor). Revision to condition 10 phasing of extraction. Variation of condition 23 (Shot weight modification to 12.5 kgs). Bantycok Quarry, Staple Lane, Balderton. Granted 07/01/2013
Collingham	Cllr VH Dobson		Erection of steel framed recycling building, Wallrudding Farm Saxilby Road, Doddington. Granted 07/01/2013
Balderton	Cllr Keith Walker		Application to retain existing temporary classroom known as building 6, Chuter Ede Primary School, Wolfit Avenue, Balderton. Granted 17/01/2013
Newark West	Cllr Keith Girling		Retention of mobile extended learning community facility, Bowbridge Primary School, Bailey Road, Newark. Granted 23/01/2013
Farndon & Muskham	Cllr Mrs Sue Saddington		Variation of condition 51 of planning permission 3/05/02813/CMA to amend restoration plan, Kilvington Quarry, Kilvington. Granted 23/01/2013 (Committee)
Bingham	Cllr Martin Suthers OBE		

Division	Member	Received	Determined
Rufford	Cllr John Peck		Construction of a two metre wide surfaced path Pedestrian access off Eakring Road in Bilshorpe and vehicular access for construction and future maintenance. Temporary storage of red shale on the former mineral line to the east of Eakring Road in Bilshorpe (period of approximately three years). Granted 23/01/2013
Blidworth	Cllr Geoff Merry		
East Mansfield	Cllr Bob Cross Cllr Martin Wright		
ASHFIELD			
Kirkby-in-Ashfield South	Cllr Rachel Madden		Construction of an extension towards the rear of the school, to include: reception and administration area; new staff room; new head teacher's office; access to the building (via stairs, a disabled access ramp and an enclosed corridor). Orchard Primary School, Chapel Street, Kirkby in Ashfield. Granted 02/01/2013

Division	Member	Received	Determined
Hucknall	Cllr Rev Tom Irvine Cllr Mick Murphy Cllr Kevin Rostance	Environmental improvements to the Hucknall Town Centre, encompassing the demolition and alteration of existing buildings, laying out and construction of a new inner relief road between Annesley Road and the Bolsover Street/Station Road Junction. Realignment of existing Linby Road/Ashgate Road junction, the provision and laying out of new pedestrian and cycle links other related highways works, enclosures and associated landscaping. Annesley Road to Station Road, Hucknall. Received 03/01/2013	
Sutton-in-Ashfield North	Cllr Jason Zadrozny		Extension to the existing staff car park, Healdswood Infant School, Barker Avenue, Skegby. Granted 08/01/2013
Kirkby-in-Ashfield North	Cllr John Knight		Construction of a 6m x 6.5m asbestos waste transfer station housing 2x12.2cuMtr sealed containers. Hours of operation is 24 hours, 7 days a week including bank holidays for transfer and collection. SMH Products Limited, Field Industrial Estate, Clover Street, Kirkby in Ashfield. Granted 15/01/2013
BROXTOWE			

Division	Member	Received	Determined
Eastwood	Cllr Keith Longdon		Application to retain existing steel container workshops, Eastwood Comprehensive School, Mansfield Road, Eastwood. Granted 12/12/2012
Bramcote & Stapleford	Cllr Stan Heptinstall MBE Cllr Brian Wombwell	The proposals are to create a new main entrance, accessible ramp and replace all windows and doors to the Library, Stapleford Library, Church Street, Stapleford. Received 24/01/2013	
GEDLING			
Arnold South	Cllr Rod Kempster Cllr Mel Shepherd MBE	Small extension to office and entrance canopy, Ernehale Junior School, Derwent Crescent, Gedling Road, Arnold. Received 04/12/2012	Granted 17/01/2013
Calverton	Cllr Mark Spencer		A new stand alone single-storey two classroom foundation unit to be located on the school existing hard play area next to the nursery building, Richard Bonington Primary and Nursery School, Calverton Road, Arnold. Withdrawn 13/12/2012
Calverton	Cllr Mark Spencer		Retention of modular unit used for music lessons and storage purposes, St Wilfrid's C of E Primary School, Main Street, Calverton. Granted 10/01/2013
Arnold South	Cllr Rod Kempster Cllr Mel Shepherd MBE		Two classroom extension, Ernehale Infants School, Derwent Crescent, Gedling Road, Arnold. Granted 17/01/2013

Division	Member	Received	Determined
Calverton	Cllr Mark Spencer	To retain existing caretakers store, Colonel Frank Seely School, Flatts Lane, Calverton. Received 23/01/2013	
Calverton	Cllr Mark Spencer	To retain two existing metal cabins used for the teaching of BTec courses, Colonel Frank Seely School, Flatts Lane, Calverton. Received 29/01/2013	
Carlton East	Cllr Allen Clarke Cllr John Clarke		Change of use from transport garage and yard to timber recycling facility, Private Road No 5, Colwick Industrial Estate, Colwick. Granted 05/02/2013
RUSHCLIFFE			
Radcliffe-on-Trent	Cllr Mrs Kay Cutts	Construction of a single storey classroom extension and refurbishment works in the existing school, St Peters C of E Primary School, Kneeton Road, East Bridgford. Received 13/12/2012	
West Bridgford West	Cllr Gordon Wheeler		Extension to form disabled toilet and shower room with cleaners store, Greythorn Primary School, Greythorn Drive, West Bridgford. Granted 19/12/2012

Division	Member	Received	Determined
West Bridgford West	Cllr Gordon Wheeler		Erection of 270 place Key Stage 1 school annex and 39 place nursery following the demolition of office building, construction of associated play areas, staff and visitor car parking and landscaping works. Provision of pedestrian link connecting new school site to the existing Heymann Primary School. Construction of multi-use games area enclosed by 3m high fencing (5m at the ends) at existing Heymann Primary School for use by KS1 and KS2 schools. Erection of security fencing/modification to pedestrian access gate(s) and provision of external lighting. West Bridgford House Site, Swithland Drive, West Bridgford. Granted 19/12/2012 (Committee)
Soar Valley	Cllr Lynn Sykes		Retention of existing temporary classroom, Sutton Bonington Primary School, Park Lane, Sutton Bonington. Granted 17/01/2013
Bingham	Cllr Martin Suthers OBE	Construction of new stand alone 2 classroom connect block and alterations to car parking provision and hard play areas. Carnarvon Primary School, Nursery Road, Bingham. Received 21/01/2013	

Division	Member	Received	Determined
Cotgrave	Cllr Richard Butler	Variation to Condition 12 of planning permission 8/04/01567/CMA. Extending Environmental Compound, Barnstone Landfill Site, Coach Gap Lane, Langar. Received 05/02/2013	

Applications outstanding over 17 weeks at 31 December 2012

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Blyth & Harworth	Cllr Sheila Place	Vary condition to allow coal stocking site to be restored in compliance with planning permission, Harworth Colliery, Scrooby Road, Bircotes	285	Delegated report to be finalised pending discussions with UK Coal Ltd
Blyth & Harworth	Cllr Sheila Place	Variation of condition to vary the period for the submission of an alternative restoration scheme, No2 Spoil Heap, Harworth Colliery, Scrooby Road, Bircotes	285	Delegated report to be finalised pending discussions with UK Coal Ltd
Tuxford	Cllr John Hemsall	Construction and operation of a biomass fuelled combined heat and power plant. R Plevin & Sons Limited, Crookford Hill. Elkesley, Retford	131	Re-submission anticipated in early March. Further consultation will be necessary.
Tuxford	Cllr John Hemsall	Disposal of pulverised fuel ash (PFA) by means of land raising on South Lagoons and maintaining PFA disposal operations in the South Coal Stocks Ash Lagoon. Cottam Power Station, Outgang Lane, Cottam	56	Resolved to grant permission at 18 September Committee Meeting pending the signing of S106 Legal Agreement

Division	Member	Description	Weeks Out Standing	Comments
Tuxford	Cllr John Hemsall	Variation of conditions 6, 7, 20, 29, 31, 36, 37 and 38 of planning permission 1/12/06/00002 to amend end dates for restoration and disposal of Pulverised Fuel Ash (PFA). Cottam Power Station, Outgang Lane, Cottam	53	Resolved to grant permission at 18 September Committee Meeting pending the signing of S106 Legal Agreement
Misterton	Cllr Liz Yates	Variation of condition 35 of planning permission 1/32/08/00018 increasing lorry movements from 50 to 75 per day to allow for the increased amount of material to be processed through the Auckley Depot. Newington South Quarry, land south of Bawtry Road and Slaynes Lane, Misson	36	Resolved to grant permission at 18 September Committee Meeting pending the signing of S106 Legal Agreement
Worksop East	Cllr Glynn Gilfoyle	Construction of Multi-Use Games Area within school campus for use by the school and community. (The children's play area shown on plans is part of a separate project not sought planning permission as part of this planning application). St Augustine's Junior School, Longfellow Drive, Worksop	28	Negotiations ongoing to resolve objections received concerning noise.

Division	Member	Description	Weeks Out Standing	Comments
MANSFIELD – None				
NEWARK				
Newark West	Cllr Keith Girling	Regularisation of use of additional land in connection with scrapyards, Briggs Metals Limited, Great North Road, Newark	103	Agent has been chased to provide flood risk assessment to overcome Environment Agency's objection
Farnsfield & Lowdham	Cllr Andy Stewart	Variation of conditions 17(b), 18, 22 and 24 of planning permission 3/11/00212/CMA for an extension of time to complete works on site, Hoveringham Quarry, Thurgarton Lane, Hoveringham	62	Meeting organised with applicant and neighbour to address resident's flooding concerns.

Division	Member	Description	Weeks Out Standing	Comments
ASHFIELD				
Sutton-in-Ashfield Central	Cllr Michelle Gent	Retrospective application for the erection of a portacabin and variation of conditions 7 and 12 of planning permission 4/2007/0211, to increase number of vehicle movements to 180 a day, Mitchells of Mansfield, Brierley Park Industrial Estate, Stanton Hill.	236	Noise monitoring work has been received and re-consultation has been carried out. Awaiting for response from Ashfield District Council.
Sutton-in-Ashfield East	Cllr Steve Carroll	The extraction and processing of silica sand, new site access road, associated plant/offices, landscaping and screening bunds. Restoration to agriculture and nature conservation. Land at Two Oaks Farm, Derby Road, Mansfield	145	Application presented to Committee on the 22 January 2013 where it was resolved to grant permission subject to referral to Secretary of State and signing of a S106 Legal Agreement

Division	Member	Description	Weeks Out Standing	Comments
Kirkby-in-Ashfield South	Cllr Rachel Madden	The restoration of the former Bentinck Tip site using site derived and imported restoration materials to create a range of outdoor recreational facilities including an equestrian centre, football pitches, golf course, driving range, camping grounds, fishing pond, and adventure play area, including landscaping, planting, ecological enhancements and the installation and operation of two wind turbines to provide the facilities with renewable energy. Former Bentinck Tip Site, Park Lane, Kirkby in Ashfield	46	Application presented to Committee on the 20 November 2012 where it was resolved to grant permission upon the signing of a S106 Legal Agreement
Hucknall	Cllr Rev Tom Irvine Cllr Mick Murphy Cllr Kevin Rostance	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd ,Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	21	Awaiting NCC Highways comments on lorry routeing details

Division	Member	Description	Weeks Out Standing	Comments
BROXTOWE				
Beeston South & Attenborough	Cllr Eric Kerry	Variation of condition 3 of planning ref 5/06/01039/CCR to amend the alignment of the weir, associated bridge structure and reduce distance of the diversion to footpath No 69, Land southwest of Attenborough Nature Reserve, Barton Lane, Attenborough	199	Report written but conditions to be finalised
Beauvale	Cllr David Taylor	Retention of utilities yard, including the siting of portacabin offices, vehicle parking, materials storage and auxiliary inert waste material processing for a temporary period of five years. Gin Close Way, Kimberley	46	Flood risk assessment has been submitted to Environment Agency and awaiting for their response
Kimberley & Trowell	Cllr Ken Rigby	Extraction of coal and fireclay by surface mining methods with restoration to agriculture, woodland, nature conservation and public amenity. Land off Cossall Road between the villages of Cossall and Trowell, referred to as the Shortwood Site	37	Further information received under Reg 22 and re-consultation process is underway
GEDLING- None				

Division	Member	Description	Weeks Out Standing	Comments
RUSHCLIFFE				
Soar Valley	Cllr Lynn Sykes	Extension to existing quarry involving the extraction of sand and gravel with restoration of site to agriculture and wetland conservation. East Leake Quarry, Rempstone Road, East Leake	103	Further information received concerning ecology and airport safeguarding. Awaiting responses from re-consultation process
Cotgrave	Cllr Richard Butler	Proposed change of use to depollution and dismantling operation including the construction of a depolluting building, parts storage container and site control offices. Land off Harby Road. North Trading Centre, Langar	86	Awaiting further information from the applicant

Division	Member	Description	Weeks Out Standing	Comments
Soar Valley	Cllr Lynn Sykes	Existing school to be extended with a new 2 class building and play areas to replace those lost to the new building. New sports storage container. 2 additional car parking spaces. Brookside Primary School, School Green, East Leake	71	Continuing to be held in abeyance, applicant reviewing the proposed development with a view to withdrawing the application
Soar Valley	Cllr Lynn Sykes	Resubmission of application for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals. Red Hill Marina, Ratcliffe on Soar	35	Further information under Reg 22 to be submitted and re-consultation will be necessary
Cotgrave	Cllr Richard Butler	To vary condition 3 of planning permission 8/09/02117/CTY to retain 3 cavity vents and to cover the installation of 3 air condition units. Cotgrave Candleby Lane School, Candleby Lane, Cotgrave	35	Delegated report being prepared

Division	Member	Description	Weeks Out Standing	Comments
Ruddington	Cllr Reg Adair	Retrospective application for the erection of bays for the storage and processing of incinerator bottom ash (IBA) and change of use of land to extend the transfer of the commercial and industrial waste area to accommodate the new bays. Johnsons Aggregates, Loughborough Road, Bunny	32	To found elsewhere on the agenda
West Bridgford Central & South	Cllr LB Cooper Cllr Michael J Cox	To retain existing temporary classroom known as building 4, Edwalton Primary School, Wellin Lane, Edwalton	26	Delegated report prepared
West Bridgford Central & South	Cllr LB Cooper Cllr Michael J Cox	To retain existing temporary classroom known as building 4, Edwalton Primary School, Wellin Lane, Edwalton	26	Delegated report prepared
Soar Valley	Cllr Lynn Sykes	Variation of condition 5 of planning permission 8/12/01488/CMA to extend the time period necessary to extract all permitted reserves at Jenks Land, East Leake Quarry, Rempstone Road, East Leake	21	Committee report being prepared

MATTERS OF INTEREST TO COMMITTEE

1. Examination into the Nottinghamshire and Nottingham Waste Core Strategy

Members are advised that following the formal submission of the Nottinghamshire and Nottingham Waste Core Strategy to the Secretary of State a pre-examination meeting is scheduled to be held on the afternoon of Friday 8 March 2013. The Examination itself is programmed to commence on 7 May 2013 at the National Watersports Centre, Holme Pierrepont and the appointed inspector is Susan Holland. Members will be updated with progress.

2. High-Speed Rail Phase 2 Announcement

Members will be aware that on 28 January 2013 the Government announced its preferred route for Phase 2 of the HS2 High-Speed rail network. With the intention to extend out from the previously announced Phase 1 route from London Euston to Birmingham, Phase 2 would continue northwards along two lines: an eastern link to Leeds and a western link to Manchester. The Government intends for formal consultation in respect of Phase 2 to commence prior to Parliamentary recess.

As part of the proposals five new stations are planned: Toton, Sheffield (Meadowhall) and Leeds on the eastern line and Manchester Airport and Manchester on the western line. The Government anticipates the Toton station serving as an East Midlands Hub for the Nottingham and Derby conurbations. Detailed maps of the Government's preferred route can be viewed at <https://www.gov.uk/hs2-phase-two-initial-preferred-route-plan-and-profile-maps>

The announcement will have potential implications for the work of this Committee in determining planning applications and clearly Officers and Members will need to take advice as appropriate. It is anticipated that a Member Briefing session be organised at an appropriate juncture.

26 February 2013**Agenda Item: 10****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2013.

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 (PS)

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>
March 2013	8/11/00157/CMA	East Leake Quarry, Rempstone Road, East Leake	Extension to existing quarry involving the extraction of sand and gravel with restoration of site to agriculture and wetland conservation
March 2013	8/12/01488/CMA	East Leake Quarry, Rempston Road, East leake	Variation of condition 5 of planning permission 8/11/01100/CMA to extend the time period necessary to extract all permitted reserves at Jenks Lane, East Leake Quarry
March 2013	5/12/00122/CCR	Awsorth Pallets, Gin Close Way, Kimberley	Retention of utilities yard, including the siting of portacabin offices, vehicle parking, materials storage and auxiliary inert waste material processing for a temporary period of five years.
March 2013	4/V/2013/0028	Hucknall Town Centre	Construction of new relief road
March 2013	2/2013/0047/ST	St Peters Primary and Nursery School, Bellamy Road, Mansfield	New Stand alone single storey 4 classroom extension to the south of the existing school, covered walkway, new pedestrian entrance, MUGA and associated drainage, landscaping and external works.

Other Key Applications/Submissions in system but not timetabled to be reported to committee after March 2013:-

<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
4/V/2012/0570 & 7/2012/1493	Newstead and Annesley Country Park, Newstead Village	Importation of circa. 40,000m ³ of inert material to reduce the depth of fishing lakes, to improve safety requirement for members of the public and including the creation of two islands for nesting

		birds and the landscaping of areas around the lakes
4/2008/0457	Mitchells of Mansfield, Brierley Park Industrial Estate, Stanton Hill	Retrospective application for the erection of a portacabin and variation of conditions 7 and 12 of planning permission 4//2007/0211, to increase number of vehicle movements to 180 a day, and to enable vehicle movements between the hours of 6:00 and 18:00 Monday to Friday, and 6:00 to 12:00 Saturdays
3/11/00202/CMA	Briggs Metals Limited, Great North Road, Newark	Regularisation of use of additional land in connection with scrapyards, erection of buildings for use in connection with scrapyards, erection of additional buildings and plant/machinery including extension to existing offices.
1/18/10/00008	R Plevin & Sons Limited, Crookford Hill. Elkesley, Retford	Construction and operation of a biomass fuelled combined heat and power plant
		Scheme submitted by Severn Trent Water Limited for the restoration of the former Gravel Workings at Gunthorpe
5/12/00268/CCM	Land off Cossall Road between the villages of Cossall and Trowell, referred to as the Shortwood Site	Extraction of coal and fireclay by surface mining methods with restoration to agriculture, woodland, nature conservation and public amenity.
8/12/00856/CMA	Redhill Marina, Ratcliffe on Soar	Resubmission of application for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals.
	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings.

