

Planning and Licensing Committee

Tuesday, 18 December 2012 at 10:30

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

AGENDA

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| 1 | Minutes 20 November 2012 | 5 - 10 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declaration of Lobbying | |
| 5 | West Bridgford House Site, Swithland Drive, West Bridgford | 11 - 90 |
| 6 | Response to Department for Communities and Local Government on Planning Performance and Planning Gwa | 91 - 106 |
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NOTES:-

(1) 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

(2) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules.

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

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

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 20 November 2012 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

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

Jim Creamer
John M Hemsall
Stan Heptinstall MBE
Rev Tom Irvine

Bruce Laughton
Rachel Madden
Sue Saddington
Mel Shepherd MBE
Keith Walker

OFFICERS IN ATTENDANCE

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

MINUTES OF LAST MEETING

The minutes of the meeting held on 16 October 2012, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Jim Creamer declared a Private interest on agenda item 7 Former Bentick Tip Site on the grounds he knew Mr Stone was one of the speakers on the item.

Councillor Bruce Laughton declared a Disclosable Pecuniary Interest in the following agenda items:-

5. Land at Two Oaks Farm Derby Road Mansfield, because he has connections with the Mansfield Sand Company.
6. Rufford Orangery, Rufford Country Park, Ollerton, because he has a Venue used for Weddings nearby.
7. Former Bentick Tip Site, Park Lane, Kirkby in Ashfield, because he has a financial interest in a Golf Club in the area.

Councillor Laughton therefore left the meeting.

Councillor Ruth Madden declared a Private interest on agenda item 7 Former Bentick Tip Site on the grounds she knew Mr Stone through her being a member on Ashfield District Council.

Councillor Sue Saddington declared a Private interest on agenda item 6 Rufford Orangery, Rufford Country Park, Ollerton on the grounds she sits on the Newark District Council Planning Committee.

DECLARATIONS OF LOBBYING OF MEMBERS

None

LAND AT TWO OAKS FARM DERBY ROAD, MANSFIELD

With the consent of the Committee the Chairman withdrew this item from the agenda following the receipt of additional information and to allow the Council's Officers to make the appropriate inquiries.

RUFFORD ORANGERY, RUFFORD COUNTRY PARK, OLLERTON

Jerry Smith introduced the report and gave a presentation outlining the main elements of the application, including the number and nature of objections received.

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

Professor H Williams, a local resident, spoke in opposition to the application and raised a number of issues, including nuisance and noise, which would emanate from these events. He felt that this would be detrimental to the enjoyment of his garden and property with the constant hearing of "here comes the bride". He also raised the issues of additional parking problems in and around the Park, the diminution of the Orangery by the erection of a gazebo, and the enjoyment of the facilities for the public if areas were segregated for holding private events every day.

No questions were asked.

Mr A.Cox, Nottinghamshire County Council and applicant spoke in favour of the application and highlighted the issues of the need for additional facilities for holding

weddings. He informed Members that the current facility at the Rufford site had reached capacity and it is felt there is a business need to allow for the holding of weddings in the Orangery. The money received would be used to offset the £55,000 budget cut proposed, will give additional funding for restoration and also employment opportunities in the area.

No questions were asked.

Mr Smith responded to Professor Williams issue regarding noise from the venue and highlighted paragraph 25 of the report. It is accepted that there will be times when the noise levels will rise above the standard noise levels, but this would only be brief periods when the audience are clapping or when the music starts.

Councillor Pearce, Rufford Parish Council, spoke in opposition to the application and raised the following issues noise and nuisance issue for the adjoining landowners, alongside this, the exclusion of the public to areas of historical significance and beauty. It would also cause possible conflict with the public and guests and the additional traffic issues could have an effect on public use. There is also the possible noise and disturbance which would continue into the evening due to use until 12.30 am.

In response to a question Councillor Pearce informed members that there is liaison between the Parish Council and the operators of the Country Park through the Rufford Support Committee.

During discussions Members considered the noise and nuisance issue raised and the fact that they felt that Rufford is one of the jewels of Nottinghamshire. The Members also considered the conflict which could possibly occur with guests and public wishing to view the Orangery. They took into consideration the conditions attached to the application and the views of the local Parish Council and the local resident who's property is most affected.

RESOLVED 2012/032

That the application for planning permission be refused for the following reasons:-

1. That the intrusion on residents who live in the vicinity
2. The effect on visitors wishing to visit the Orangery as a tourist attraction.
3. The potential for conflict between the public and wedding guests

FORMER BENTICK TIP SITE, PARK LANE, KIRKBY IN ASHFIELD

Jerry Smith introduced the report and gave a presentation outlining the main elements of the application, including the number and nature of objections received. He informed Members that he had received a further objection from Leedale Mushroom Farm due to the effect it could have on any possible future sale of the business despite it not having traded for several years. The Owner considered that a scheme of mitigation should be required up front, rather than in the event of a desire to recommence the business as recommended Condition 17 suggests.

He also reported that he had received a letter objecting to the use of Wind Turbines on the site with a suggestion that an alternative could be solar panels as a more ecological source of energy supply. It also suggested that the placement of Wind Turbines would be contrary to Greenbelt Policies. Mr Smith informed members that the issues had already been considered and it was felt that these issues do not require a new application to be submitted.

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

Mr Stone, representing the applicant Broomco (1997) Ltd, spoke in favour of the application. He highlighted the benefits of the application which included employment, restoration of the coal tipping site, recreational facilities for the surrounding community and an iconic landmark for visitors to Nottinghamshire. He also informed members that there were a few concerns regarding the conditions set out in the appendix to the report regarding the Mushroom Farm and the measures which would need to be taken and the reference to Section 106 agreement to improve the Kirby Cross roundabout.

Mr Stone responded to question by the Committee as follows:-

- The current fleet of lorries owned by the company will not increase.
- The club house proposed does not have solar panels now but may have in the future this is because technology is changing rapidly regarding solar power.
- The footpaths proposed and already in existence will not have horse rider and walker conflict because there will be separate areas assigned to each of these pursuits thus cutting out any conflict.
- The issues around Kirkby Cross roundabout is down to the fact there are other developments in the pipeline and therefore why should one developer bear the brunt of the costs of the development of the roundabout.
- We will be working closely with the Police during the development and will aim to keep crime down to a minimum also there will be on site security to prevent theft.
- With the wind Turbines it is hoped that the site will be completely self sufficient on energy.

Councillor Gail Turner, Local Member, for an adjoining division spoke in favour of the application and highlighted the following issues.

- This development will provide much needed jobs in an area which suffers from high unemployment.
- It will also open the gates to Nottinghamshire with a modern development rather than the eyesore it currently is today, which can only be good for the County.
- The educational aspect of having an open classroom for schools to use and teach pupils the history of the mining industry which was a big part of Nottinghamshire life in the past. Although she understood the County Council's Reclamation Team were opposed to this which disappointed her.
- The introduction of ponds and vegetation will bring back wildlife to an area lacking such things.

She also informed Members that she had canvassed many local residents who supported this development wholeheartedly and also the local police sergeant who feels it will be positive for the local community and youngster for future employment. With regard to condition 17 and the Mushroom farm this has not traded for some 8 years or so and therefore should not have such a condition tying the company up to a scheme of mitigation to safeguard the viability of the farm.

No questions were asked.

In response to issues raised by the speakers Mr Smith informed Members that Condition 17 was included to safeguard the Mushroom farm if it was to recommence production, but there is no intention to start up the business currently.

During discussions Members welcomed the application and felt that this is good for the County as a whole. They considered the use of Wind Turbines as a source of renewable energy and felt that the site is ideal. The majority of Members also felt that condition 17 should be removed.

On a motion by Councillor Ruth Madden seconded by Councillor Rev Tom Irvine it was -

RESOLVED 2012/033

1. that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into legal agreements under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 to secure an additional five years of aftercare for those areas on the site which are of ecological interest; an annual dilapidation survey of the section of Park Lane 250 metres west of the site access towards Selston and approximately 650 metres east of the site access up to the access to the sewage works; improvements to the highway at the Kirkby Cross roundabout; and a lorry routeing agreement to prevent HGVs associated with the restoration of the site from travelling along the B6020 through the retail centre of Kirkby-in-Ashfield.
2. that subject to completion of the above legal agreements the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions as set out in Appendix 1 to the report with the exception of Condition 17

NEWTORPE SEWARGE TREATMENT WORKS, HALL LANE NEWTHORPE

RESOLVED 2012/034

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

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Sally Gill introduced the report which detailed applications received between 1 September – 7 November 2012, confirmed decisions made on planning applications since the last report to Committee, and updated Members on recent Government announcements that the planning application fees will rise by 15% from Thursday 22 November 2012.

RESOLVED 2012/035

That the report and appendices be noted.

WORK PROGRAMME

RESOLVED 2012/036

That the committee's work programme be noted.

The meeting closed at 12.10 pm.

CHAIRMAN

M_22 Nov 12

18 December 2012**Agenda Item: 5****REPORT OF GROUP MANAGER PLANNING****RUSHCLIFFE BOROUGH REF. NO.: 8/12/01741/CTY**

PROPOSAL: 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. USE OF HEYMANN PRIMARY SCHOOL AS 360 PLACE KEY STAGE 2 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.

LOCATION: WEST BRIDGFORD HOUSE SITE, SWITHLAND DRIVE, WEST BRIDGFORD

APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN, FAMILIES AND CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for the erection of a 270 place Key Stage (KS) 1 school annex and 39 place nursery, with an existing primary school providing 360 places for the delivery of the KS2 curriculum. The playing field at the existing school would be replaced by a multi-use games area (MUGA). School administration and whole school assembly would take place in the new school building. The KS1 building would be erected on the former site of West Bridgford House, accessed from Swithland Drive, West Bridgford, Nottingham. The key issues relate to pupil arrival and departure and associated impact of traffic on Swithland Drive and the wider highway network, and potential noise impact arising from use of the MUGA. The recommendation is to grant planning permission, subject to the conditions set out in Appendix 2.

The Site and Surroundings

Site Location

2. Heymann Primary School, accessed from Waddington Drive, is located approximately 1.8km to the south-west of West Bridgford town centre. The school, which was principally built in the 1960s lies in a contemporary residential area of mainly detached houses, each with off-street parking. Waddington Drive and nearby streets form part of a linked highway network. More recent residential development, built in the 1990s adjoins the southern school boundary on Denton Drive, a cul-de-sac serving 50 properties. There are two paths that lead from Denton Drive to pedestrian entrance gates into the school, although neither is currently used. The West Bridgford School, a secondary school academy accessed from Loughborough Road (A60), adjoins the northern boundary of Heymann Primary School (Plan 1).
3. West Bridgford House, a day care centre and site of recently demolished offices, is accessed from Swithland Drive, a residential cul-de-sac taking access from Loughborough Road. The day care centre site adjoins the southern boundary of The West Bridgford School. Maple Way, an adopted path, runs adjacent to the southern boundary of the West Bridgford House site, linking Swithland Drive with Denton Drive, passing an area of public open space accessed from Lansdowne Drive and Cropston Close. In addition to use of the vehicular access to West Bridgford House, pedestrian access to the site is gained from Maple Way. An additional gate, currently kept closed, is formed in secure boundary fencing at the junction of Swithland Drive and Maple Way. A lay-by with four car parking spaces is located on the west side of Swithland Drive and to the south of Maple Way, adjacent to a small area of incidental public open space.
4. A pedestrian link at the southern end of Swithland Drive emerges on to a 135m long service road in front of seven houses accessed from Loughborough Road, 100m to the north of the junction with Boundary Road (Plan 1). At its closest point the service road, which is adopted highway, is 200m from the corner of Swithland Drive and Maple Way.
5. The 11 properties on Swithland Drive have drives that can accommodate several parked cars. Roecliffe (16 properties) and Cropston Close (22 properties) are residential culs-de-sac dating from the 1970s accessed from Swithland Drive. Parking on Roecliffe and Cropston Close takes place at the rear of properties in shared parking areas or garages accessed from each turning head. Some properties have made provision for parking within rear gardens.
6. West Bridgford House lies to the west of West Bridgford Fire Station. Vehicles leaving the fire station exit directly on to Loughborough Road and return to the site via an access gate on Swithland Drive 15m to the east of the vehicular entrance to the West Bridgford House site.
7. Public Footpath West Bridgford No 56 linking Repton Road and Loughborough Road emerges onto Loughborough Road opposite the junction with Swithland Drive. The speed limit for northbound traffic reduces from 40mph to 30mph

immediately to the south of the junction of Swithland Drive and Loughborough Road.

8. There are infrequent bus services along Loughborough Road that are principally used by buses serving the rural areas beyond West Bridgford. The majority of Nottingham City Transport bus services pass through the residential areas to the west and east of Loughborough Road.

Application Site

9. The planning application site of 2.5ha comprises the existing Heymann School, the site of West Bridgford House excluding the day care centre building and a boiler house within the grounds, and a strip of land within The West Bridgford School 73m in length and between 3.5m and 5.5m in width adjacent to the northern boundary of 43-59 Denton Drive.
10. Heymann Primary School presently has a school roll of 415 and is comprised of a single storey CLASP building with later additions. Single modular classroom and double modular classroom buildings are located to the north of the school. 32 full-time and eight part-time staff are presently employed; a full-time equivalent of 34 staff. 16 staff and visitor car parking spaces are marked out on the site, although in practice the parking area is used creatively by staff, accommodating 28 vehicles through 'captive' car parking.
11. Other than disability parking, no parking provision is made within the site for pupil pick-up and drop-off. Cars park principally on Waddington Drive and nearby roads at the beginning and end of the school day. A short cul-de-sac, Lyndhurst Gardens serving nine houses, lies almost opposite the school entrance. The carriageway of Waddington Drive is 4.9m in width (which is narrower than the current standard of 5.5m for a residential street not used by buses). Parents arriving at Waddington Drive generally operate a voluntary one-way system and park on the eastern side of the road so as not to obstruct movement by passing traffic.
12. A hard play area 45m x 20m and grass playing field 70m x 45m lie to the east of the school building. The south-east corner of the football pitch marked out on the site lies 6.5m from the nearest residential property, 43 Denton Drive. The marked pitch lies 9.1m from the boundary of the residential properties to the south.
13. A maintenance gate is formed in the security fence separating Heymann Primary School from The West Bridgford School, adjacent to the boundary with 43 Denton Drive. The strip of land included in the application site lies immediately to the north of the boundary with 43-59 Denton Drive, is elevated approximately 1.5m above the adjoining school field and does not form part of a playing pitch.
14. The existing Heymann Primary School occupies an elevated position approximately 2.0m – 2.5m above the playing field of The West Bridgford School. Houses on Denton Drive to the south of Heymann Primary School playing field adjacent are situated approximately 2.0m above the level of the grass field.

15. West Bridgford House is a single storey day care centre of CLASP construction set back 50m from the vehicular entrance. Car parking for approximately 32 cars is available to the north and west of the day care centre. Prior to the demolition of the adjoining three-storey office building in October 2012, additional parking for approximately 50 cars in the south-east corner of the site was shared with office staff.
16. The West Bridgford House site is elevated approximately 2.5m above the level of the playing field of The West Bridgford School. An area of grass in the north-east corner of the site lies up to 2.0m above the level of the adjacent fire station, reducing as the land falls to meet the eastern boundary. A mound along the frontage to Swithland Drive, outside the secure fence line of West Bridgford House and forming part of the adopted highway, screens views into the site.
17. The level of Maple Way rises approximately 3.0m between the junction with Swithland Drive and the pedestrian entrance to the West Bridgford House site. The recently demolished office building was erected on a split level site (two – storey when viewed from Maple Way and three-storey when viewed from the retained day care centre). In the south-west corner, there is a 3.0m reduction in site level approximately 30m to the north of the Maple Way boundary.
18. The western boundary of the West Bridgford House site is formed by a brick retaining wall with close-boarded fencing above, and the adjoining houses 59-65 Denton Drive are erected on a level approximately 2.0m above the corresponding level within the site.
19. Several mature trees stand within the West Bridgford House site. Although the crown of two willow trees has recently been reduced and raised to facilitate the demolition of the three storey office building, the trees are identified as being 'Category A', defined as 'most desirable to retain'(Plan 2).
20. The site is not in an area subject to river flooding. However, the site is poorly drained, underlain by clay, and is upstream of an area with a surface water capacity issue at the junction of Loughborough Road and Eton Road.

Proposed Development

Planning History

21. Application reference 8/10/01723/CTY: Time-limited permission granted (December 2010) for a single modular classroom at Heymann Primary School, expiring on 31 December 2013.
22. Application reference 8/12/00547/CTY: Time-limited permission granted (June 2012) for a double modular classroom at Heymann Primary School, expiring on 31 December 2013. A report has been submitted (November 2012), required when approving a revised Travel Plan for the school, demonstrating that positive actions have been taken by the school to increase walking, cycling and car sharing, to ease congestion and to improve pupil safety (Plan 3).

23. Application reference 8/12/01345/CTY: Permission granted (October 2012) for the demolition of offices at West Bridgford House and making good of the retained elevation of the day care centre.

Background

24. West Bridgford has experienced an increase in demand for primary school places in recent years, met by the provision of 270 primary school places in temporary modular classrooms at a number of school sites within the urban area. There is an anticipated demand for 3,191 primary school places in the wider West Bridgford area in 2013, projected to grow by approximately 50 places each year, while 2,918 permanent places and 330 temporary places are presently available. For 2013, there would be a shortfall of 273 permanent primary school places in West Bridgford. The Department for Education advises authorities to retain a 5% contingency in school places to accommodate parental preference and variation in annual admissions.
25. The provision of additional permanent KS1 and KS2 places in the east of the wider West Bridgford area is being investigated and, in combination with the increase in places proposed in this application, would allow temporary modular classrooms at the existing Heymann Primary School and at other school sites to be removed, allowing a return to permanent school place net capacities.

Proposed Development

Purpose and Proposed Use

26. It is proposed to meet the increased demand for primary school places from the wider West Bridgford schools catchment through the construction of an annex to the existing Heymann Primary School. The site of the former offices at West Bridgford House has been identified as a suitable school site, and the two schools would be linked by a new path running to the rear of 43-65 Denton Drive, along its northern part on land that presently lies within the grounds of The West Bridgford School (Plan 4).
27. The two school campuses would operate as a single school with a 270 KS1 school and a 39 place nursery provided on the West Bridgford House site, while the existing Heymann Primary School building would provide 360 places for KS2 education only. 60 places provided in modular classrooms on the site (Application references 8/10/01723/CTY and 8/12/00547/CTY) would be removed and there would be a net increase of 215 KS1 and KS2 pupil places at the enlarged school.
28. Elements of the school would be shared. Administration for the nursery and 630-place school, and a hall suitable for whole-school assembly, would be provided on the West Bridgford House campus. Three office staff would be permanently based at the KS2 site. A school kitchen would be provided on each campus.
29. The school anticipate that 23 staff would be based at the KS2 site accessed from Waddington Drive. 25 full-time and 5 part-time staff (a full-time equivalent of

27 staff) would be based at the KS1 site. Not all staff would drive and presently six members of staff walk or cycle to the school.

30. No formal playing field space would be provided on the West Bridgford House site, although KS1 children would be able to use a MUGA (Paragraph 61) to be provided at the existing Heymann Primary School site. The two school campuses would be linked by a footpath 150m in length (in part running within the existing grounds of The West Bridgford School), adjacent to the rear gardens of 43-65 Denton Drive. The path would be used during the school day by staff and children, providing a secure route between the two parts of the site. It would be enclosed by gates at each end, and would not be accessible by the general public. Other than for a period of approximately 20 minutes at the beginning and end of the school day for the arrival and collection of children, parents would not use the path linking the two parts of the campus.
31. The school would operate an extended school day from 07:30 hours until 18:00 hours giving the opportunity to offer a Breakfast Club and After School Club. Although the hours of the KS1 and KS2 campuses are not specified, it is intended that the start and finish times would be staggered by 15 minutes, allowing time for parents with a child in each part of the school to move between the sites.

Access and Traffic

32. Pedestrian and vehicular access to the existing Heymann Primary School site from Waddington Drive would remain as at present. Overall, the number of children attending the existing Heymann School site would reduce from the present roll of 415 KS1 and KS2 pupils to 360 KS2 children only. It is not proposed to use the two pedestrian access gates on Denton Drive as a general means of access to the school.
33. The proposed KS1 building would be accessed from Swithland Drive. A 31 space car park (including two disability parking spaces) would be provided within the West Bridgford House day care centre site, on the existing grassed area immediately to the west of the fire station (Plan 4). Access to the car park would be controlled by entrance and exit barriers and would not be available for parent drop-off and pick-up, other than disabled users who would be allowed to access the car park on arrival. The car parking area would be available for school staff and visitors, in addition to those attending or visiting West Bridgford House day care centre, and similarly, existing parking spaces at the day care centre could be used by those at the school. A pedestrian access gate would be provided on the southern side of the vehicular access from Swithland Drive, with a pedestrian path provided to the Day Care Centre entrance such that pedestrians would not need to cross the access drive used by vehicular traffic.
34. The existing pedestrian access gate at the junction of Swithland Drive and Maple Way would be modified and would become the means of pedestrian access to the KS1 school. The existing pedestrian access gate 60m to the west on Maple Way would be used as the means of access to the proposed day nursery.

35. The existing grassed mound outside of the secured fence-line of West Bridgford House would be replaced by a path between 2.0m and 3.5m in width along the Swithland Drive frontage. A lay-by for five parked cars would be provided adjacent to the pedestrian entrance to the KS1 school.
36. A plan for a draft Traffic Regulation Order (TRO) has been submitted in support of the application, which proposes double-yellow lines (no parking at any time) at the junctions of Swithland Drive with Loughborough Road, Roecliffe and Cropston Close (Plan 5). In addition double-yellow lines are proposed on both sides of Swithland Drive between the junction of Loughborough Road and the entrance to West Bridgford House, protecting clear access to the fire station. 'H-bars' are proposed across entrance drives to properties on Swithland Drive. Taking account of access drives to properties, the applicant has estimated that Swithland Drive, Roecliffe and Cropston Close could accommodate 56 parked cars (Plan 6).
37. A 'Puffin' light controlled pedestrian crossing (which detects the presence of pedestrians waiting to cross) is proposed on Loughborough Road to the north of the junction with Swithland Drive and Public Footpath West Bridgford No 56. The crossing would provide a safe crossing-point for children and parents walking to school from outside of the traditional primary school catchment, as well as secondary school children attending The West Bridgford School who make frequent use of the footpath link from Repton Road. The fire service would be able to over-ride operation of the crossing ('green wave') to give priority to service vehicles attending an incident.
38. The 30mph zone would need to be relocated as a consequence to the installation of the 'Puffin' crossing. It is also anticipated that some parking is likely to take place in the service road serving 304-316 Loughborough Road. Household refuse collection in the area currently takes place on alternate weeks on Mondays between 8:00 hours and 10:00 hours.
39. The draft TRO proposes to move the 30mph zone 120m to the south-west of the junction of Loughborough Road and Boundary Road. Double-yellow lines are proposed at the junction of the service road and Loughborough Road, in addition to the service road turning-head. It is also proposed that 'H-bars' are marked adjacent to pedestrian refuges on Loughborough Road, so that on-street parking would not obstruct the free-flow of traffic on the A60, and 'bus clearway' zones, would be provided. Double-yellow lines would protect the junction of Loughborough Road and Kingswood Road, to the north of The West Bridgford School.
40. The applicant has confirmed that NCC Children, Families and Cultural Services would meet the cost of the TRO, and any further TRO that may be required related to the proposal following a period of review. It is important to note that the draft TRO would be subject to separate public consultation and procedure before being made.
41. Although only a snap-shot of the school roll which will change over time, a post-code plot from January 2012, showing the general location of where children

attending the school lived has been submitted as part of the Transport Assessment (Plan 7).

42. An updated School Travel Plan, setting objectives and targets to increase walking, cycling and car-sharing, ease congestion and improve pupil safety, including measures to monitor and review, has been developed by the school with NCC Road Safety Team, and submitted with the application.

Buildings

43. The erection of a two-storey day nursery and KS1 school, generally on the site of the recently demolished office building, is proposed. The building, with a rectangular footprint 51m x 20m, would be principally constructed of brick at ground floor level with the first floor level faced in vertical timber cladding. The building would be of two-storey construction and 8.3m in height, with the exception of the south-west corner where, taking account of the change in level on the site and when viewed from Maple Way, the building would appear to be of single storey construction (4.8m in height). (Plans 8 and 9)
44. The roof, which would be of single-ply membrane construction, would incorporate a 1.1m high parapet to allow maintenance to be carried out safely on the roof without the need for an additional man-safe system. A gas boiler flue would be located centrally towards the western end of the KS1 building and would project 1.4 m above the roof parapet. Photovoltaic panels (PVs) would be installed on the roof. All roof-top plant, with the exception of the boiler flue, would not project above the height of the parapet.
45. Powder coated aluminium doors, window frames and ventilation louvres are proposed, although the finished colour is not specified. Aluminium coping applied to the roof parapet would match the doors and windows. The colour of rainwater goods is not specified.
46. The entrance to the building would be formed in the south-east corner of the building beneath a canopy formed by the projection of the first floor above. The building would have a central corridor, with three KS1 classrooms on the north elevation overlooking a play area. A hall, large enough for KS1 and KS2 assembly 16.5m x 11.5m would be formed at the western end of the building. The adjoining kitchen would be serviced from a secured enclosure shared with the retained West Bridgford House day care centre (Plans 10 and 11).
47. The administration area for both the KS1 and KS2 schools, meeting rooms, storage and an enclosed sprinkler tank store would be provided to the south of the central corridor.
48. Access to the first floor would be gained using an open staircase on the eastern end of the building, leading to a covered terrace/out-door teaching space and afforded weather protection by the projection of the roof. Three KS1 classes and a staff room would be formed to the north of a central corridor. Three Reception classes, linked by a shared multi-use area, would be provided to the south of the corridor. An enclosed canopy with a translucent roof, 3.3m in height with a footprint 9.5m x 5.25m, would project from the south elevation and be used as

an external teaching space. An entrance on the western end of the upper level of the building, covered by a canopy projecting 2.5m from the building would give access to the day nursery.

49. A detached storage building and kitchen bin store with a footprint 6.0m x 2.2m and 2.5m in height, would be erected to the north of the school building adjacent to the day care centre. An additional storage building with a footprint 5.5m x 3.5m and 2.5m in height, would be erected 8m from the existing pedestrian access gate and approximately 5m from the Maple Way footpath. The materials to be used in the construction of the storage buildings is not specified.

External Works and Landscape

50. Trees have recently been removed to facilitate the demolition of the former office building (8/12/01345/CTY), with the exception of the two willow trees in proximity to Swithland Drive and Maple Way (Paragraph 19). It is proposed that the two willow trees are removed to accommodate the proposed new school building and the access path leading from the KS1 pedestrian access gate to the building entrance (Plan 2). In support of the application, the applicant has explained that the proposed building has been designed to meet statutory requirements for the delivery of education (Building Bulletin 99) on a constrained site and could not reasonably be repositioned to the north or west without adversely affecting the retained day care centre. It is also stated that if the trees were to be retained, given their proximity to the proposed building, they are likely to be affected by soil compaction, which may impact on the foundations and drainage, and would cast shade, lead to moss build up and could be subject to branch failure. Heavy pruning/pollarding would be required, and the trees would require constant and costly management.
51. In mitigation for the removal of the two willows it is proposed that five semi-mature Sweet-Gum trees (with fragrant resin, foliage that changes from green in Spring to orange and dark yellow in Autumn, attaining a height of 12m) would be planted to either side of the path leading from the entrance gate at the junction of Swithland Drive and Maple Way to the KS1 building entrance (Plan 12).
52. All retained trees within and overhanging the site would be protected during the period of construction.
53. A hard-play area 27m x 16m would be provided to the north-east of the proposed KS1 building adjacent to the frontage to Swithland Drive and vehicular access to West Bridgford House. A hedge would be planted within the existing security fence along the whole of the Swithland Drive frontage, with the exception of an area immediately inside the proposed pedestrian entrance which would be used for cycle parking and parent assembly.
54. A grass amenity/play area, incorporating one retained tree and three new extra-heavy standard trees would lie to the north of the school building. A 2.4m high Heras security fence between the school and the access drive to West Bridgford House would enclose the amenity and hard-play areas. Although a double gate would be provided at the northern end of the hard-play area, it would be used for

maintenance access only. Existing 2.0m high security fencing to Swithland Drive and Maple Way would be replaced by 2.4m high Heras security fencing.

55. Within the site, play areas would be enclosed by 1.2m high timber post and rail fencing. Outdoor play areas with freestanding play equipment would be provided outside the day nursery to the south and south-west of the building. A 'Foxtail Climbing Tower', a combination of ladder, slides, swings and a tower with a pitch roof, incorporating a platform deck raised 1.5m above ground level, would be sited between the building and Maple Way. The structure would be 3.95m at its highest point, with a footprint of 6.8m x 4.55m, and would be sited on a red coloured rubber-crumb safety surface.
56. A 2.4m high fence would be erected above an existing 3m high brick-faced retaining wall, retained in the demolition of the former office building on the site, to enclose the nursery outdoor play area. Three extra-heavy standard trees would be planted at the western end of the nursery play area adjacent to the boundary with 67 Denton Drive.

Footpath Link

57. The footpath linking the two school campuses would run for 77m northwards from the nursery play area, to the east of 59-65 Denton Drive and adjacent to the car park of West Bridgford House (Plan 4). To accommodate a change in level of approximately 3.75m between the northern and southern boundaries, the path would incorporate six ramps at 8% (1:12) gradient with level rest areas suitable to meet disability requirements. The finished level of the path would be below existing ground level, except where adjacent to the side elevation of 59 Denton Drive. Over a length of 8m adjacent to 59 Denton Drive the path would be a maximum of 0.5m above existing ground level. A 1.8m high Heras fence would separate the path from the car park to the west of the day care centre.
58. The path would turn west to run 73m adjacent to the rear boundary of 43-59 Denton Drive to meet the grass playing field of the existing Heymann Primary School site. At its eastern end, one tree would be removed to accommodate the path which would be constructed as a boardwalk over a length of 25m to minimise impact on three retained trees. To the west, the path would rise through three ramps and platforms to accommodate requirements for disability access. The path to the rear of 43 -59 Denton Drive would be constructed at a level up to 0.7m (at the rear of 43 Denton Drive) above existing ground level (Plan 13). One tree at western end of the path would also be removed. The footpath would be enclosed to the north by a 1.8m high Heras fence, and on its southern side by a 1.8m high timber close boarded fence, incorporating a gate to allow access for maintenance of the adjoining property boundary. A hedgerow would be planted on The West Bridgford School side of the fence. A pedestrian gate in the Heras fence between the footpath and The West Bridgford School would provide a secure access to playing pitches at the secondary school for grassed based sports, with the agreement of The West Bridgford School.
59. With the exception of the timber boardwalk, the path would be constructed of self-binding gravel with timber edge boarding. Where required, the elevated lengths of path would be graded back to existing ground levels.

Multi-Use Games Area (MUGA)

60. The grass playing field at the existing Heymann Primary School is poorly drained, which limits use in the period from October to March.
61. It is proposed to replace the grass playing field with a sand-dressed all-weather MUGA, which would allow outdoor timetabled PE to take place throughout the school year. The school advise that the surface would need to be suitable for play and lunchtime breaks as well as for football. Netball courts could be marked out on the tarmac hard play areas at the school.
62. In addition to school use, the MUGA would be used by the After School Club, Nottingham Forest in the Community, and Excel Sports (who provide football coaching) until 18:00 hours on weekdays. It is anticipated that the facility could be used throughout the year, including holiday periods when the school is not open. The applicant proposes no weekend use of the MUGA and it is not proposed to install floodlighting.
63. The MUGA would be 80m x 45m, enclosed by 3.0m high fencing to the sides and 5m high fencing at the ends, marked for a variety of sports (Plan 14). At its closest point, the MUGA would be sited 4m from the boundary with 43 Denton Drive to the east, and 19m from the boundary with 27-35 Denton Drive to the south. The level of the MUGA would be at the same level as the existing grass playing field adjacent to 43 Denton Drive, and would be 0.6m higher than existing levels at its northern end adjacent to The West Bridgford School. The area between the MUGA and houses to the south, on Denton Drive, would be retained as a grassed area for play, but would be neither enclosed nor formally marked-out for sport.

Noise

64. The site is not presently suitable for use and the applicant has not been able to carry out a base-line assessment of noise generated by use of the grass playing field. To address potential noise generated by use of the MUGA, the fencing enclosure would be erected incorporating rubber washers to reduce noise impact. A 1.8m high acoustic fence would be erected 1.0m outside the MUGA enclosure adjacent to the boundary with 43 Denton Drive, returning to run along the whole of the southern enclosure of the MUGA (Plan 14). Should planning permission be granted for the proposed development, it is the intention that once the MUGA is brought into use, noise measurements would be undertaken and the need for the acoustic fencing, so as to acceptably mitigate impact on neighbouring residential properties, would be re-assessed.

Lighting

65. Details of proposed light fittings and a lux plot showing the impact of proposed lighting have been submitted in support of the application. The immediate vicinity of the school would be lit by wall lights mounted at a height of 6m on the KS1 building. 6m high lighting columns would illuminate the car park adjacent to the fire station, whilst outdoor play areas and the pedestrian path to the school

entrance would be lit by bollards approximately 1.0m in height. Similarly, the footpath linking the two campuses would be lit by bollard lighting.

Drainage

66. The application is supported by a flood risk assessment and drainage strategy which acknowledges the drainage issues of the site (Paragraph 20). Falls across the site, and poor site drainage characteristics has led to the use of soakaways being discounted. It is proposed to attenuate surface water from the site for up to a 1 in 100 year flood event with a 20% allowance for climate change, before being discharged to the existing surface water system at a rate of 5ltr/sec. The existing rate of discharge from the site would be reduced by 20% when compared with that at present. Surface water from the proposed car park would be treated to remove hydrocarbons prior to discharge from the site. Filtration would be incorporated in the surface water drainage system for the KS1 building and areas of hardstanding to improve the quality of discharge from the site.
67. A filter trench would be provided around the sand-dressed MUGA, which would serve to attenuate surface water drainage. A restriction in the rate of surface water discharge from the site would achieve betterment in excess of 20% above the present run-off rate from the existing hard-play area.

Sustainability

68. In support of the application, the applicant draws attention to the use of a previously developed site, the sustainability of the location where pupils have convenient access to the school via sustainable modes of travel. A shelter for 10 cycle parking spaces would be provided inside the pedestrian access gate at the junction of Swithland Drive and Maple Way.
69. Although it is not intended to gain Building Research Establishment Environmental Assessment Method (BREAAM) certification, the design aims to achieve a BREAAM 'Very Good' rating. At pre-assessment stage the applicant has stated that the development would achieve a rating of 'Good' and simple measures that are feasible, affordable and in some cases cost-neutral can be incorporated in the detailed design.
70. Building materials would be sourced in accordance with the government's timber procurement policy. Regulated CO₂ emissions would be reduced by 10% through the installation of roof-top PVs. Water saving measures are also to be incorporated in the design.

Construction

71. A solid panel hoarding would be erected around the KS1 site for the period of construction. Auger (bored) piling, rather than hammer driven piles, would be used in the construction of the split-level building. Piling would take place only between 08:00 hours – 17:00 hours Monday to Friday. Piling work is anticipated to take up to two weeks, but could be extended if unforeseen ground conditions are encountered.

Consultations

72. **Rushcliffe Borough Council** – *No objection provided that the County Council is satisfied that the proposal would have no adverse impact upon residential amenity, highway safety or trees.*
73. *Consideration should be given to the times the multi-use games area can be used in order to prevent unacceptable noise and disturbance to surrounding residents on evenings and weekends. Lighting should not be overly intrusive, particularly in relation to residential properties on Denton Drive.*
74. *RBC would like to reinforce concerns about the safety of children crossing Loughborough Road. The County Council should be satisfied that there would be adequate parking provision for drop-off and pick-up and that this would not cause highway safety issues on the public highway. Measures should be considered to relieve peak traffic generation at the junction of Swithland Drive and Loughborough Road.*
75. *Replacement tree planting should be maximised and NCC should be satisfied that the loss of willow trees is fully mitigated.*
76. **NCC Highways Development Control** – *No objection. The Highway Authority's main concern is the resultant on-street parking this development would be likely to generate. The best method to estimate this is to count arrivals and departures at the existing adjacent Heymann Primary School as a proxy for Swithland Drive. On-street parking was counted on 4th October 2012 resulting in an evening peak accumulation of approximately 80 vehicles for a school roll of 403. If a similar situation arises at the proposed school for 270 pupils and 39 nursery spaces this would result in approximately 61 parents parking on-street to drop off and pick up pro-rata.*
77. *A TRICS analysis (a national database of traffic surveys) would suggest it would be reasonable to expect 87 vehicles (109 arrivals less 22 staff) to park on-street in the morning peak and 60 vehicles in the afternoon (82 arrivals less 22 staff). The impact of on-street parking in the morning is likely to be less severe as the arrival times of parents will be staggered. In the afternoon all parents will arrive at the school prior to it closing. This is consistent with on street parking numbers observed at the existing Heymann School.*
78. *The on-street parking analysis plan submitted in support of the application estimates that 56 vehicles could reasonably park either on Swithland Drive or on the two culs-de-sac which it serves (Roecliffe and Cropston Close). A further 61 on street parking spaces have then been identified on surrounding streets within a reasonable walking distance of the proposed school. Of these spaces 20 have been identified on Denton Drive, a cul-de-sac to the south of the existing Heymann School and to the west of the proposal, where pedestrian access to the school extension would be available via the Maple Way footway. These spaces are already largely taken up by parents visiting the existing school but the reduction in pupil numbers at the existing school may allow some transfer. Overall it is felt that there will be sufficient on street parking space*

available for both campuses within a reasonable walking distance. Any potential amenity issues are for the CPA to consider.

- 79. It is expected as with many schools that there maybe access difficulties largely as a result of inappropriate parking. However, to some extent this can be managed by the introduction of parking restrictions in areas where on-street parking may otherwise result in a road safety problem, and by way of a travel plan. On-street parking has been raised with Rushcliffe Borough Council's waste collection service and is largely content that they can manage their operation outside school times should it prove necessary on surrounding streets.*
- 80. To help encourage car sharing to reduce the resultant on-street parking this may otherwise cause, a Framework Travel Plan has been submitted. Planning conditions are recommended such that the school is responsible for appointing a Travel Plan Co-ordinator (who can be an existing member of staff) who will be responsible promoting sustainable travel initiative, monitoring the effectiveness of the travel plan, and agreeing new or revised initiatives where Travel Plan targets are not being met.*
- 81. A Transport Assessment is submitted in support of the planning application to consider the traffic impact of the proposal on the local highway network. The resultant trips from the development are not considered to be material and therefore do not warrant highway capacity improvements. However, a 'Puffin' crossing is proposed on Loughborough Road adjacent to the Fire Station to aid pedestrian crossing in the interest of road safety. This includes a proposal to extend the 30mph speed restriction further south to reduce the approach speed of traffic and the provision of a school safety zone to warn motorists of the presence of the school.*
- 82. The provision of the off-highway pedestrian link between the two campuses is strongly supported as this will remove the possibility of a highway safety problem developing during the transfer of pupils between campuses.*
- 83. In order to attempt to control on-street parking to locations that are less likely to result in a highway safety problem, discourage the use of the private car, provide safe pedestrian access, and to protect vehicular access, a Traffic Regulation Order is proposed. This is expected to adequately control on-street parking such that inappropriate areas are avoided. However, the levels of parking should be reviewed as part of the Travel Plan monitoring process, and where necessary, future initiatives should be proposed to reduce/remove on-street parking, including a review of the Traffic Regulation Order. Members will be aware that the Traffic Regulation Order process requires a separate public consultation exercise and therefore the proposals at this time are indicative and maybe subject to change.*
- 84. With reference to the representation received from Councillor Gordon Wheeler (Paragraph 121), 20mph zones have been tried but have not been particularly successful. The provision of guardrail at the end of the public footpath emerging onto Loughborough Road would be fully supported and would need to be looked at in the detail design stage.*

85. *With reference to the consultation response from Nottinghamshire Fire Brigade (Paragraph 119), NCC Traffic Manager has confirmed that parking restrictions would be enforced as required. It is understood that the fire station would be given priority through the 'Puffin' crossing by way of a 'green wave'.*
86. *It is recommended that the following are in place before the school is brought in to use:*
- a) *The provision of a 'Puffin' pedestrian crossing on the A60 Loughborough Road in the vicinity of Swithland Drive, and the relocation of the 40mph speed limit in a southerly direction subject to the processing and confirmation of the associated Traffic Regulation Order.*
 - b) *The introduction of parking restrictions on Swithland Drive and A60 Loughborough, 'H' bars across driveways, the protection of the Fire Station access, and the processing and confirmation of the associated Traffic Regulation Order.*
 - c) *The provision of a School Safety Zone on Swithland Drive, in the form of guardrail, signage and road markings as appropriate.*
 - d) *The provision of a School Safety Zone on the A60 or extension of The West Bridgford School Safety Zone to incorporate the Swithland Drive junction, and the relocating the A60 interactive traffic sign if made necessary by the works.*
 - e) *The formalisation of a lay-by and removal of the existing redundant construction site access on Swithland Drive and the formation of a continuous generally 3.0m minimum width footway across the site frontage, adjustments to the site's vehicular entrance to include informal pedestrian crossing facilities, and pedestrian guard rail at the pedestrian entrance.*
 - f) *The provision of the pedestrian link between the two school campuses unless otherwise first agreed in writing by the CPA.*
87. *Conditions are also recommended to ensure the appointment of a Travel Plan co-ordinator responsible for the setting of targets, implementation, delivery, monitoring, updating and promotion of sustainable transport initiatives set out in the Travel Plan Framework submitted with the application, with annual reports to be submitted for a minimum period of five years and until Travel Plan targets have been met.*
88. **NCC Accident Investigation Unit** – *Acceptable in principle on highway safety grounds. The location of the proposed 'Puffin' crossing is the most appropriate available, as is the proposed extension of the 30mph limit.*
89. *Schools do tend to cause parking issues, although at other sites these problems tend to be primarily related to annoyance of residents, through obstruction of access to driveways for example, rather than a major cause of accidents. It is*

not easy to predict exactly what drivers will do in practice. However the TROs and other measures proposed seem reasonable and comprehensive.

90. **NCC Road Safety Team** - *The school has submitted a School Travel Plan that addresses current and foreseeable issues. They have included actions that are appropriate to the issues that can be expected to be carried out within reasonable timescales, with achievable targets that can be monitored.*
91. *Submitted representations suggest that provision should be made for on-site parental parking/drop off. Whilst it is not prohibited by statute, it has proved unsuccessful at those schools where it has been tried. From a road safety perspective children and traffic don't mix so there would need to be a means of ensuring safe access for pedestrians alighting at a drop off point and safeguarding them until they reach the safety of the school pedestrianised area. At present there are issues with parking around the existing school access on Waddington Drive necessitating regular police patrol checks. Hopefully this will lessen as the load will be spread between Waddington Drive and Swithland Drive when the new school opens.*
92. *Very few KS1 children come to school on bikes. The location for the cycle shelter, adjacent to the pedestrian access gate at the junction of Swithland Drive and Maple Way is too far away from the school building, is open to public view, and could be vulnerable to theft. This facility would be better utilised by KS2 children and/or staff.*
93. *It is not considered appropriate to request for scooter storage. Whilst scootering is very much in fashion, that could change very rapidly. It is not appropriate to require schools to take responsibility for storage but it would be a matter for the Head Teacher to decide.*
94. **NCC Design Services** – No response received.
95. **NCC Energy and Carbon Management Team** – No response received.
96. **Sport England** - *The applicant has advised that the school currently use pitches at The West Bridgford School and it is anticipated that this use will increase. The MUGA will be available for a greater part of the year than the existing grass playing field and by implication will have greater accessibility for sports use.*
97. *Whilst Sport England is disappointed that additional community access cannot be secured, even without the provision of sports lighting, for example at weekends for junior hockey or football training, it is clear that the applicants believe that the facility will improve sports facilities at the school. Sport England accepts that a sand-dressed artificial grass pitch could provide a facility which is of sufficient benefit to the development of sport on a primary school site to outweigh the detriment caused by the loss of the playing field.*
98. **NCC Forestry and Arboriculture Team** – *There is no practical way in which the building could be moved, without causing further detriment to both the prospective users of the site and the trees proposed for retention.*

99. *The location of the western willow tree brings it into conflict with the proposed building. Even with tree fencing protection and facilitation pruning, the tree could not successfully be completely protected from the disturbance of construction within the extent of its root protection area. Successful retention of this tree would require a management regime to provide adequate clearance from the building and would reduce the arboricultural value of the tree within its current context. It is recommended that this tree is removed. Trying to keep the tree unnecessarily will do more damage than good.*
100. *However, there is insufficient justification to remove the eastern willow tree. The tree is further from the building, with space for tree protection to allow the required building construction to take place. Where construction works such as paths impact upon the root protection area beneath the tree, specialist engineering such as cell web could prevent over compaction and further damage, although this would present a significant cost, due to the area which would need protection and the specialist methods and labour for installation required. Other issues highlighted such as leaf fall and moss can be mitigated by simple site maintenance. Current building practice and techniques as outlined in NHBC 4.2 Building near trees would provide adequate information for suitable foundations in relation to the tree. The issue of drainage can be mitigated by ensuring that drainage is installed without joints, breaks or junctions in the immediate area of the tree. Potential for branch failure would not be considered a suitable defence for the removal of this tree. As with the entire tree stock on-site, the tree should be regularly monitored for defects and health with appropriate maintenance carried out as required. The main issue anticipated is the one of shading of the balcony within the shade area of the tree.*
101. *As the two willow trees are not of an advanced age to contribute to the biodiversity of the site to such an extent that their loss would be overly detrimental, the suggested mitigation for the proposed loss of these two mature trees relates directly to their amenity and arboricultural feature value. As such, the replacement with American Sweet Gum (Liquidamber) is considered to be suitable, with distinctive attractive foliage, large final mature height and being planted in avenue, which will in time provide extra value to the site. This is in addition to the further planting proposed on-site.*
102. *Appropriate tree protection is proposed for retained trees. There will be an absolute necessity to protect the ground into which the mitigation planting will take place as any toxicity, over-compaction, flooding through level change or unnecessary re-profiling of the soil will impact on the suitability of the ground for replanting.*
103. **NCC Nature Conservation Team** – *No objection, subject to precautionary conditions to protect bats and ensure legal compliance with protected species legislation. Trees to be removed should be inspected for bats immediately prior to felling. Vegetation should be removed outside of the bird nesting season, unless first inspected by a suitably qualified ecologist.*
104. *The removal of invasive non-native species from the West Bridgford House site is recommended.*

105. **NCC Project Engineer (Noise)** – No objection. *The planning application includes the provision of a MUGA. Submitted noise data does not include existing use of the grass playing field, and cannot be carried out as the playing field is waterlogged.*
106. *Given an absence of data and the proximity of Denton Avenue properties to the proposed MUGA, noise mitigation measures should be included to protect the amenity of the residents in the form of a 1.8m high timber noise barrier along the western and southern sides of the MUGA. The need for the fence should be determined by noise measurement once the MUGA is operational. The specification of the timber noise barrier proposed by the applicant is acceptable. The design of the MUGA perimeter fencing enclosure panels should incorporate rubber washer separators to reduce noise impact.*
107. *To ensure that noise levels from use of the MUGA by the community reflect those present when it is being used by the school it is recommended that the upper age for community use should be set at 12 years.*
108. *Levels of construction noise from the development will not result in unacceptable impacts at surrounding residential properties, and should be suitably controlled through condition.*
109. *Noise from piling would be minimised with the piles being augered (bored) into the ground rather than being driven into the ground with a hammer. Noise from this method will be no greater than the engine noise from other items of plant to be employed on the site. The duration of the piling operation is anticipated to be two weeks, and hours of operation can be controlled through planning condition.*
110. *Conditions are recommended to control hours of construction, the submission of the method of working during construction in the form of an environmental management plan, controlled hours of use of the MUGA and the age of community users, additional survey to determine the need for acoustic fencing, and defined limits for acceptable day-time and night-time noise generated by the development.*
111. **NCC Reclamation Team** – No objection. A condition of planning permission for the demolition of offices (application reference 8/12/01345/CTY) required testing and validation to confirm the absence of asbestos containing material.
112. *The need to undertake ground investigation and testing of this site remains valid. Before ground works for the proposed development can commence the site should be tested and a validation report supplied to verify that all potential asbestos contamination associated with the building and its demolition has been removed. This will ensure that ground workers are protected from sub-surface contamination and also ensure that the site is fit for its intended use as a KS1 and nursery facility. The developer needs to prove all asbestos contamination has been removed before further development can commence.*

113. **Environment Agency** – No objection subject to a condition requiring the submission of a scheme of surface water drainage, incorporating filtration of surface water to improve water quality. Submitted drainage calculations have not yet been checked.
114. **NCC Flood Risk Management Team** - *As Lead Flood Authority the team is not aware of any surface water flooding problems in this location. The County Council is not yet a SuDS Approving Body.*
115. **Severn Trent Water Limited** – *No objection subject to a condition to require the submission of a scheme for foul and surface water disposal.*
116. **Western Power Distribution** – *No objection. Western Power Distribution has network within and in close proximity to the site.*
117. **National Grid (Gas)** - No response received.
118. **Police Force Architectural Liaison Officer** – *Concern over the footpath linking the school sites. No design details of the path are provided in the application, nor are details of how access to the path would be controlled, or access to the MUGA after school hours. The MUGA is not in the best location. The footpath to the rear of properties increases risk of crime and disorder.* Additional information has been submitted in response to the issues raised in support of the application (Plan 13) and the proposed controlled access of the footpath and the MUGA has been discussed with the Police Force Architectural Liaison Officer. Although a further consultation response has not been received, and any further formal response will be reported at the meeting, the condition controlling the use of the MUGA has been drawn up in consultation with the Police Force Architectural Liaison Officer.
119. **Nottinghamshire Fire Brigade** – *No objection in principle. There are reservations that double yellow lines may be ignored at the beginning and end of the school day. Enforcement may be onerous for the police. A fire engine turning right out of the fire station could pose a risk to pedestrians using the crossing and could be controlled through a 'green wave system' giving the fire service priority, activated on receiving a fire call.*

Publicity

120. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to occupiers that may reasonably be directly affected by the proposed development, and exceeds the requirements set out in the County Council's adopted Statement of Community Involvement.
121. Councillor Gordon Wheeler welcomes the proposed 'Puffin' crossing on Loughborough Road. Guardrail should be provided on Loughborough Road at the end of the public footpath from Repton Road and should be required as a planning condition. The provision of a 20mph advisory sign on Loughborough Road should be investigated, and if necessary can be included in a review/provision of a School Safety Zone.

122. There are 22 parking spaces on the service road off Loughborough Road from which there is a footpath link to the new School. There is concern over the 19 parking spaces identified on Loughborough Road and any parking on Loughborough Road, which is too dangerous, should be avoided. There is insufficient on-street parking on Swithland Drive and the adjoining culs-de-sac.
123. The proposed facility at Heymann Primary School is welcome, but there is concern that vehicle movements will be very disruptive for residents and is bound to cause disquiet. A Review of the TRO after 12 months from when the School opens is essential.
124. 20 letters of representation from 16 residents have been received. Having regard to the size of the site, proposed link between the campuses and the impacts that may arise, depending on where, residents live, the issues and concerns raised, and comments received, fall into distinct groups:
125. 15 letters have been received from 11 residents of Swithland Drive (9), Roecliffe (2) and Loughborough Road (3) raising the following matters:
- a) No objection to the school (5) but concern about its traffic impacts (4).
 - b) The use is not appropriate as most residents locally are elderly.
 - c) The demand for pre-school places is questioned. There is already over-provision in the private sector.
 - d) The Framework Travel Plan (and Addendum) is flawed, includes irrelevant data, does not include critical data and does not consider all options (2). The use of Swithland Drive and Maple Way by students going to The West Bridgford School is not acknowledged (2) (118 surveyed on a typical school morning) nor is traffic associated with the use of West Bridgford House day care centre. The hours of The West Bridgford School will coincide with those of the proposed school.

Visual amenity

- e) Loss of amenity value from the removal of the two willow trees (5). At least the willow tree closest to Swithland Drive should be retained. The willow trees are of the highest quality and should be retained (3). Removal of the trees is a convenience and the school should be re-sited (2). The retention of the trees is outweighed by the utility value of reducing the day care centre amenity area that would result from the resiting of the building.
- f) Loss of habitat from the removal of the two willow trees (2).
- g) The need for replacement planting acknowledges that the building needs to be visually screened. Proposed replacement planting is inadequate.

- h) If the willow trees are to be removed the school should be an appropriate 'soft' colour.
- i) Loss of visual amenity from removal of the bank on the school frontage to Swithland Drive, replaced by parking spaces (2).

Highways/Parking/Traffic/Access

- j) Swithland Drive, Roecliffe and Cropston Close are culs-de-sac and do not have adequate parking capacity (5) or turning facilities (7). Turning space should be provided on Cropston Close. West Bridgford Infants School is similarly accessed via a cul-de-sac where a voluntary scheme operates and parents use the through-road network, avoiding the need for turning manoeuvres on the cul-de-sac
- k) Less than half of residents on Roecliffe and Cropston Close have off-street parking. All identified on-street parking will not be available at the start of the school day.
- l) Access to the fire station (3) and day care centre will be obstructed. Vehicles frequently park on the north side of Swithland Drive adjacent to the fire station (2). Obstruction for access by emergency vehicles (3). Obstruction of residents' driveways (4). Parked traffic will obstruct the Swithland Drive/Loughborough Road junction (3).
- m) No parking facilities should be provided on Swithland Drive (2). Swithland Drive should be made a Resident Parking area (2).
- n) Risk to injury/safety of pedestrians, children being dropped off or picked up from school and the elderly (5). Congestion at the school entrance will be made worse by children walking to The West Bridgford School via Maple Way.
- o) The nine parking bays in the lay-bys are inadequate. Parking in the lay-by will no longer be available to residents/may be used by non-school traffic (3). It is not possible to park 24 vehicles on Swithland Drive (2) and the assessment of on street parking on Cropston Close and Roecliffe is unrealistic.
- p) The lay-by parking will be inadequate (3). A lay-by should be provided on Swithland Drive between the junctions with Roecliffe and Cropston Close.
- q) Lack of parent parking space. Parents should be able to use the car park proposed/circulate for drop-off and collection within West Bridgford House (7). The perimeter fence should be set back to increase the parking area outside the school. If off-street parking cannot be provided the proposal is too large or badly conceived.

- r) The parking problems seen on Waddington Drive (3) and at other existing schools should not be imposed on residents of Swithland Drive (3).
- s) Traffic on Swithland Drive will increase substantially at school drop-off and pick-up times (2). Parents will want to park as close to the school entrance as possible (3). The proposal will attract 50-100 cars dropping-off or picking-up children (4). Traffic converging on the cul-de-sac at the same time will cause danger, chaos and inconvenience. Contrary to the Travel Framework Plan, the way in which parents bring their children to school will change (2). Swithland Drive is more accessible from the principal highway network and will attract more parent traffic.
- t) KS1 children are walked into school which will extend wait times on the highway (3). Parents currently park for 40 minutes before the end of the school day on Waddington Drive and Lyndhurst Gardens. Some parents who currently park on Waddington Drive or Denton Drive will park on Swithland Drive.
- u) Swithland Drive does not have a suitable 'park and stride'.
- v) Maple Way footpath is in poor repair and needs resurfacing.
- w) The west side of Loughborough Road to the junction with Boundary Road should be designated for parent drop-off and pick-up. Loughborough Road is not suitable for drop-off and pick-up of KS1 children.
- x) Vehicles on Loughborough Road exceed the speed limit (3), increasing risk of accidents and the 30mph zone should be moved to the junction with Boundary Road. The relocation of the 30mph zone is supported (and could be moved closer to the junction with the A52), but any relocation should be accompanied by an additional interactive road speed sign. Speed limits should be policed.
- y) The access from the service road onto Loughborough Road will add to traffic problems at the Boundary Road junction and parent parking associated with The West Bridgford School on Loughborough Road. Traffic volumes/problems on Loughborough Road will worsen. Lights should be installed at the Loughborough Road/Boundary Road junction.
- z) Double-yellow lines should be provided on Swithland Drive next to the fire station (2). No objection subject to access in and out of Swithland Drive being protected and no on-street parking outside of designated parking areas.
- aa) Parking restrictions will only move the problem of parked cars elsewhere. Double-yellow lines and parking restrictions are ignored (2).

Residents should not be disadvantaged by a TRO, or stop service traffic accessing residential properties.

- bb) A pedestrian crossing should be provided on Loughborough Road, encouraging parking on Repton Road, and parking should be prevented at road junctions.
- cc) Traffic lights at the junction of Eton Road/Rugby Road (275m to the north of Kingswood Road – Plan 1) cause traffic to back up on Loughborough Road (northbound). A yellow box across the Loughborough Road/Swithland Drive junction should be provided.
- dd) Loughborough Road is congested with cars picking-up from The West Bridgford School (2) and even without the proposal traffic regulation measures should be introduced. Double yellow lines at the junction of Kingswood Road and Loughborough Road should be extended to The West Bridgford School entrance. Events at The West Bridgford School can cause congestion on Swithland Drive, Loughborough Road and Denton Drive.
- ee) Parking problems should be resolved before the school opens, not after a period of review (2). The draft TRO shows ‘possible’ parking restrictions and requires a firm commitment. The TRO should be enforced to be effective.
- ff) Lansdowne Drive should be extended to provide a drop-off/pick-up point. The Maple Way footpath should be made in to a one-way road to link Swithland Drive and Lansdowne Drive.

Other Matters

- gg) Work has already started (2) and access provided to the school (*a reference to the demolition work approved by application reference 8/12/01345/CTY*).
 - hh) Too much information has been provided with the application which is technical in nature, and is not easy to access.
126. Three letters have been received from residents on Waddington Drive (2) and Lyndhurst Gardens. The resident of Lyndhurst Gardens supports the proposal but has concern that the footpath on Maple Way may be closed.

Traffic/Use/Parking

- a) Problems on Waddington Drive have not been realistically addressed with potential for an additional 249 cars in the vicinity of the school. The roads will not be able to cope with increased traffic and footfall, especially with the extended use facilitated by the MUGA

- b) Waddington Drive is unsuitable for the volume of traffic associated with the school. 55-seat coaches have used Waddington Drive. Emergency access is restricted by traffic on Waddington Drive
 - c) Cars drive/park along the pavements/risk to pedestrians (2).
 - d) Adequate provision does not appear to have been made for the additional staff required.
 - e) Drop-off points (on Swithland Drive) will not work. Parents will wait for an hour to pick-up children at the end of the school day.
 - f) Parents will park on Waddington Drive and the surrounding area and walk through to the KS1 school because of obvious parking problems around the fire station.
 - g) The number of children in the immediate vicinity of the school does not justify the additional burden that will be placed on local residents. Children will attend the school from outside of the catchment, which increases the use of cars.
127. Two letters have been received from residents on Denton Drive with rear gardens adjoining The West Bridgford School.

Traffic

- a) Parent drop-off and pick-up will cause on-street parking issues.
- b) School related parking on Denton Drive is already a problem. Parents using the path will park on Denton Drive.

Link-Path/Risk to Property

- a) Visual intrusion from the path.
- b) Lack of design detail of the proposed path (2). The height of the hedge to be planted on The West Bridgford School side of the hedge is not specified and could impact on amenity and light. The path should be surfaced with woodchip or tarmac. Loose gravel could be thrown at property.
- c) Concern that the path would be open to public access. Has crime prevention advice been sought from the Police? Concern that rear gardens will be left vulnerable to crime and the path will be accessible by non-school users (2). Property security should be maintained.
- d) The school can already be accessed from Denton Drive and the existing footpath network could be used between the schools.

Lighting

- e) Proposed lighting of the link-path is not clear (2).
- f) Lighting of the path should be sympathetic and not cause light pollution to adjoining property.
- g) It is unclear whether the MUGA would be lit. Lighting would be intrusive.

Noise

- h) Noise impact from the construction, use of the footpath and use of the MUGA will be intrusive to residents on Denton Drive.

Other Matters

- i) Loss of view across The West Bridgford School.

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

Observations

Policy and Strategic Education Provision

- 129. National Planning Policy Framework (NPPF) *Promoting healthy communities* Paragraph 72 advises that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing communities, giving great weight to the need to create, expand or alter schools. In a letter to Chief Planning Officers the Secretary of State for Communities and Local Government has stated that there should be presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community. (Appendix 1). In determining this application, consideration needs to be given to whether the proposed development would give rise to significant harm that could not be mitigated through the imposition of conditions.
- 130. Rushcliffe Core Strategy - Publication Version - March 2012 (RCS) Policy 11 *Local Services and Healthy Lifestyles* will support the provision of new or extended community facilities where they meet local need. New community facilities should be provided in locations accessible by sustainable transport modes suitable to the function of the facility, and where possible should be located alongside or shared with other local community facilities. The proposed development would meet an identified strategic need for education places in West Bridgford. Although consideration will be given to accessibility by sustainable transport modes in the *Traffic, Access and Parking* section of the *Observations* (Paragraphs 133-134), in principle the expansion of the school in a sustainable location within the urban area is considered to be acceptable.
- 131. The proposed development would allow the expansion and reconfiguration of the existing Heymann Primary School, to provide KS1 and KS2 education on separate campuses, linked by the proposed footpath. Overall the school roll

would increase by 254 places to provide 630 pupil places and 39 day nursery places. The development would remove the continuing need for the two modular classrooms on the existing Heymann Primary School site, and would need to be removed to allow access for the construction of the MUGA. The creation of additional school places would allow temporary classrooms at schools within the wider West Bridgford schools catchment to be removed as time-limited planning permissions expire.

132. RCS Policy 9 *Design and Enhancing Local Identity* expects new development to be designed, amongst other criteria, to reflect the need to reduce the dominance of motor vehicles. Development needs to be assessed in terms of impact on the amenity of nearby residents, massing, scale and proportion, materials, architectural style and detailing, and the reduction of opportunities for crime. Consideration is given to the impacts of the proposal in the following sub-sections of the report.

Traffic, Access and Parking

133. Parental choice has altered the traditional catchment approach to the allocation of school places and the proposed school expansion is intended to offer a broader appeal throughout the West Bridgford urban area. It is anticipated that children may be drawn from the adjoining school catchment of Jesse Gray Primary School, which is a popular school that has recently been enlarged to meet parental demand. The number of children living to the east of Loughborough Road attending the school is considered likely to increase. The provision of a pedestrian crossing on the A60 Loughborough Road is viewed as essential to the project, and would provide a safe crossing point for the benefit of children attending the school as well as students at The West Bridgford School. The provision of a safe crossing point on the A60, in proximity to Public Footpath West Bridgford No 56 linking to Repton Road would encourage travel to school on foot and would comply with RCS Policy 11 *Local Services and Healthy Lifestyles*.
134. Heymann Primary School has actively worked with NCC Road Safety Team to develop a School Travel Plan that is both appropriate for the modular classrooms at the school (8/10/01723/CTY and 8/12/00547/CTY) and the expanded school envisaged in this application. The school recognises that there are parent parking issues associated with the existing school and that similar issues are likely to arise on Swithland Drive associated with the proposed KS1 and nursery extension. A report submitted in November 2012 has been reviewed by NCC Road Safety Team, who are satisfied that positive steps are being taken to address traffic issues. NCC Highways Development Control has recommended that the School Travel Plan is regularly reviewed, and where appropriate further action taken, to reduce the traffic impacts associated with the proposed development (Conditions 32 and 33). Proactive measures such as a voluntary arrangement for traffic management (Paragraph 125j)) can be explored through the School Travel Plan.
135. The principle impact of the proposed development, reflected in representations received, is the likely impact of parent pick-up and drop-off on Swithland Drive, Roecliffe and Cropston Close. The provision of parking spaces in an additional

lay-by would assist the free-movement of cars on the highway adjacent to the school entrance. Whilst analysis of the submitted traffic assessment suggests that up to 87 vehicles could be expected to park on the highway in the morning peak (Paragraph 77), it is estimated that there would be approximately 56 on-street parking spaces on the culs-de-sac of Swithland Drive, Roecliffe and Cropston Court.

136. The draft Traffic Regulation Order (TRO), which been drawn-up in consultation with NCC Highways Development Control and reviewed by NCC Accident Investigation Unit, is intended to prevent on-street parking in proximity to the Loughborough Road junction and to maintain visibility at the junctions of Roecliffe and Cropston Close with Swithland Drive. One particular concern raised in representations is that a cul-de-sac is not suitable as the means of access to a school, and that turning manoeuvres at junctions on the cul-de-sac will compromise highway safety. However, combined with the protection of the junction radii proposed in the TRO, the use of Swithland Drive to serve the school is considered to be acceptable to NCC Highways Development Control.
137. In order to facilitate parent drop-off and pick-up it has been suggested that parents should be allowed to circulate around the proposed staff car park within the grounds of West Bridgford House. However, it is considered that parents would be likely to park or wait for extended periods while taking children to the school, or when collecting children at the end of the school day, which could compromise the ability of school staff to access the staff/visitor car park, as well as the operational requirements of the day care centre. There would not be a safe pedestrian route provided through the car park for parents with children and it has been suggested, although no evidence has been submitted to support the view, that it may be difficult for NCC to obtain insurance for such an arrangement.
138. The proposed TRO would prevent on-street parking to ensure that there would be a clear access between Loughborough Road and the entrance to West Bridgford House, keeping the access to West Bridgford Fire Station free of obstructing traffic. Although the submitted draft TRO would be the subject of separate consultation and statutory process, the proposed parking restrictions as submitted or in a similar form, would provide effective and enforceable controls on highway parking to safeguard the interests of highway safety. Conditions are recommended to require that a TRO is in place before the proposed KS1 school and nursery is first brought into use, and that its effectiveness and if necessary review is undertaken within a year of the school opening (Conditions 31 and 36). In addition, either a separate School Safety Zone or an extension of the existing School Safety Zone for The West Bridgford School would be required, and would consider the need for appropriate signage, guardrail and advance warning on both Swithland Drive and Loughborough Road, including the provision of guardrail at the western end of Public Footpath West Bridgford No 56 and an advisory 20mph speed sign on Loughborough Road, identified in the submission by the Ward Member (Condition 31).
139. Whilst parents are not to be encouraged to drive their children to and from school, it does happen at all schools. Those parents who drive will want to park as close to the school entrance gate, or in the most convenient location as

possible. Swithland Drive is considered unlikely to be a convenient place to park as drivers turning into Swithland Drive will speculate as to whether a parking space will be available. With experience, it may prove easier to either park on Loughborough Road or the service road adjacent to 304-314 Loughborough Road and to walk to the school, and may better suit parents to park on the A60 if leaving or collecting their child forms part of a daily commute. Parents going to the access gate on Maple Way, or with children at both the KS1 and KS2 schools may park on Denton Drive where, it is estimated there is capacity to park approximately 20 cars on the highway. Difficulty experienced by parents trying to park close to the school may encourage parents to walk their child to school, meeting a sustainable objective of the School Travel Plan.

140. In summary, it is considered that significant on-street parking on Swithland Drive, Roecliffe and Cropston Close, as well as possibly on Loughborough Road and Denton Drive would take place for relatively short periods at the beginning and end of the school day, but with an effective TRO in place highway safety should not be compromised. The impact of parked traffic on the amenity of residents is considered separately (Paragraph 144).
141. The proposed split of KS1 and KS2 education between the two school campuses, accessed by vehicular traffic either from Waddington Drive or Swithland Drive, would alter the way in which the school operates. Although some staff would move between the two school campuses throughout the school day, it is anticipated that staff are likely to use the car park closest to their main work base. The reduced number of staff at the KS2 campus would be satisfactorily accommodated with the car park accessed from Waddington Drive, while visitors to the school would use the car park within the grounds of West Bridgford House. Coaches would be able to access the site from Swithland Drive, avoiding the need to gain access via Waddington Drive. Overall, the reduced number of children attending the KS2 school should reduce the amount of traffic on Waddington Drive and nearby highway network associated with drop-off and pick-up at the school.
142. The proposed car park within the grounds of West Bridgford House would be available for use by both staff and visitors to the school and the day care centre and is considered to have adequate capacity to meet the operational needs of both sites. Access to the car park would be controlled by a barrier, monitored from either the school office or day care centre, and will need to be designed so as not to allow unauthorised access by one vehicle immediately following another through the barrier. The submission of details of the access control is the subject of a recommended condition (Condition 9).
143. Discussion between NCC Highways and Rushcliffe Borough Council has indicated that refuse collection routes are being reviewed and could be re-routed to avoid the start and end of the school day. Similarly, refuse collections from Swithland Drive, Roecliffe, Cropston Close and Loughborough Road can be timed to avoid peak hours.

Amenity Impact of Traffic

144. The proposed development would alter the character of Swithland Drive, Roecliffe and Cropston Close, introducing significant vehicle movements on the immediate highway network at peak school hours during term times. In addition to on-street parking on Loughborough Road, traffic impacts are likely to extend to Denton Drive, Lansdowne Drive and Repton Road. On-street parking may become an inconvenience to residents at the beginning and end of the school day, but it is considered that the parking of cars on the public highway for relatively short periods on weekdays would not cause significant detriment to residential amenity such that permission should be refused. The highway safety implications of the proposal have been previously discussed. It is considered that the privacy of occupiers of properties near to the proposed KS1 and nursery school entrances where parents are likely to assemble, would not be significantly eroded. Members will need to consider whether the change in character of the local area would give rise to such harm as to outweigh the presumption that school development should be supported, as expressed in the NPPF and the letter from the Secretary of State for Communities and Local Government (Appendix 1).
145. Dedicated parking for staff and visitors would be segregated from the school site, and the location, adjacent to the fire station, is considered to be acceptable.

Design, Site Layout and Footpath Link

146. The proposed KS1 building would generally be located on the site of the recently demolished office building attached to West Bridgford House day care centre. The overall height of the building would be lower than the former office building and, it is considered, would have an acceptable impact in relation to the adjoining day care centre and nearby residential properties. Although samples of proposed facing materials have not been submitted, the proposed use of brick, with the upper floor faced with vertical timber which will take on a silver appearance over time, is considered to be acceptable and would comply with the relevant criteria of RBC Policy 9 *Design and Enhancing Local Identity*. The submission of samples of facing materials is the subject of a recommended condition. (Condition 24)
147. The footpath linking the two school campuses would be compliant with requirements for disability access as well as providing a means by which children could safely move between the campuses. In accommodating the change in level between the existing Heymann Primary School playing field and the level with The West Bridgford School, the finished level of the footpath link would be higher than at present. The footpath would be used relatively infrequently during the school day, and other than for 20 minutes at the beginning and end of the school day when used by parents, would be accessible only by the school. The erection of a 1.8m high close boarded fence on the southern side of the path would prevent overlooking of the rear gardens of adjoining Denton Drive properties by users of the path. However, the residual maintenance area between the fence and the boundary hedge would not be readily visible, and may become poorly maintained. The proposed detailed design solution is not considered to be appropriate and it is recommended that that once the footpath is constructed, an appropriate boundary treatment should be agreed as a condition of permission being granted (Condition 10).

148. Members should note that the perimeter of the playing field of The West Bridgford School is enclosed by Heras security fencing. The security of the boundary of adjoining houses on Denton Drive would not be compromised by the proposed footpath link.

Loss of Trees and Visual Amenities

149. Design standards for new primary school buildings are set out in Building Bulletin 99. It is proposed in the construction of the KS1 and nursery building that the two willow trees located in proximity to Swithland Drive and Maple Way would be felled. The need to remove high quality trees has been questioned in representations, suggesting that the building could be relocated, closer to Denton Drive. Whilst the relocation of the building would allow a larger KS1 hard play area to be created adjacent to Swithland Drive, it would be to the detriment of the nursery outdoor play area, and would have a greater impact on a day room within West Bridgford House day care centre. The willow trees, if retained, would be sited very close to the building, and would require on-going maintenance. The position of the trees, to the south and east, would cause shading. Attention is drawn to the consultation response from NCC Forestry and Arboriculture Team.
150. The proposed loss of the two willow trees needs to be balanced against the educational value of the proposed development, and the context of the trees on the site following the erection of the proposed school building. Whilst the loss of the trees would be regretted, consideration should be given to whether an enhanced landscape appropriate to the new use would be better achieved by the planting of replacement trees. If the proposed development is permitted and the willow trees are felled, appropriate mitigation in the form of replacement tree planting would be required. NCC Forestry and Arboriculture Team has confirmed that the proposed planting of five semi-mature American Sweet Gum trees that would attain a height of 12m when mature, with distinctive and attractive foliage planted in an avenue at the school entrance would provide appropriate mitigation, in combination with other proposed replanting.
151. A condition, as recommended by NCC Forestry and Arboriculture Team, is proposed to require the areas where proposed replanting would take place to be protected from construction activity to enhance the likely successful establishment of replacement trees (Condition 6).
152. Precautionary conditions to protect bats and ensure legal compliance with protected species legislation are recommended. Vegetation should be removed outside of the bird nesting season, unless first inspected by a suitably qualified ecologist (Conditions 16 and 17).
153. The visual impact of the removal of the grass bank and its replacement by parking spaces has been raised in representations. Although works would be carried out in the public highway, the hard play area adjacent to the site boundary and the building beyond, would be visually screened by a hedge to be planted inside the fence-line. In combination with the proposed replacement tree planting, the visual impact of the proposed development when viewed from Swithland Drive is considered to be acceptable.

Multi-Use Games Area (MUGA), Noise and Lighting

154. Sport England accepts that the proposed MUGA would offer sufficient benefit to the school to outweigh the detriment caused by the loss of the playing field. Heymann Primary School presently hire a grass pitch at The West Bridgford School and it is anticipated that this arrangement would continue. The proposed MUGA would allow organised outdoor sport to be played throughout the school year and offers an enhanced facility for the school. KS1 children would access the MUGA via the footpath linking the two school campuses.
155. The MUGA would be available for use throughout the winter months, and noise from activities could have an unacceptable impact on nearby residential properties, particularly 43 Denton Drive. A base-line assessment of existing noise generated by use of the grass playing field has not been submitted, but it is considered that it would not provide an appropriate measure by which to compare the extended use offered by the MUGA. The precautionary approach taken by the applicant to erect acoustic fencing to safeguard against excessive noise impacting on nearby residential properties is considered to be acceptable. A condition is recommended to require the submission of a noise assessment, once the MUGA is brought into use and before the acoustic fencing is erected, to determine the extent of acoustic fencing that may be required (Condition 30).
156. The MUGA would not be lit, and although the playing surface could be available for organised community sport, the hours of use would be limited by available daylight. The location of the pitch to the rear of the school may also make community access, whilst maintaining the security of the school buildings outside of school hours, difficult to manage. Having regard to potential impact of use of the MUGA, it is considered that community use of the facility would be acceptable, but should be limited to 18:00 hours if daylight permits, after school hours, during school holidays or on Saturdays. Having regard to the character and likely noise generated by potential users, it is recommended that community use of the facility is restricted to children aged up to 12 (Condition 28) It is not considered appropriate to require the school to make the facility available to use by the community, but if it is to be offered, the MUGA should be let in accordance with the terms of an approved management plan which would allow any noise issues that may arise to be addressed, and toilet facilities should be made available as part of the letting (Condition 27).
157. The impact of proposed external lighting has been assessed against The Institution of Lighting Engineers *Guidance Notes for the Reduction of Obtrusive Light* and light trespass into windows of nearby residential properties would fall significantly below recommended levels. The low level bollard lighting proposed on the footpath linking the two school campuses would not have an adverse impact on the amenity of adjoining residents on Denton Drive. The applicant has indicated that alternative light fittings to those submitted with the application may be fixed to the KS1 building and an appropriate condition is recommended (Condition 11).

Drainage and Sustainability

158. RCS Policy 1: *Climate Change* states that all new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems in all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible.
159. The proposed surface water drainage proposals would result in reduced rate of run-off from the site and is welcome. Although not shown on the plans presented for determination the applicant has agreed in principle to incorporate filtration of surface water that would improve the quality of surface water discharging from the site. Detailed surface water drainage proposals are the subject of a recommended planning condition (Condition 20).
160. RCS Policy 1: *Climate Change* also identifies criteria against which to evaluate sustainable design and adaptation, and the reduction of carbon dioxide emissions. Although the development would not be certificated, the applicant proposes to design to a standard equivalent to BREEAM. BREEAM assessment uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. The measures used represent a broad range of categories and criteria and include aspects related to energy and water use, the internal environment (health and well-being), pollution, transport, materials, waste, ecology and management processes.
161. The applicant has identified that additional simple measures can be incorporated in the detailed design that will allow the proposal to achieve the Government requirement that new schools attain a minimum BREEAM rating of 'Very Good'. Subject to a condition requiring the submission of an assessment to confirm that the development would attain a standard equivalent to BREEAM 'Very Good' the proposal is considered to be sustainable in compliance with RCS Policy 1: *Climate Change*.

Cycling

162. The proposed provision of covered cycle parking is welcome. Although the applicant has proposed the provision of a cycle shelter inside the site adjacent to the KS1 pedestrian entrance at the junction of Swithland Drive and Maple Way, there is concern that the cycle shelter may not be appropriately sited. It is considered unlikely that KS1 children would cycle to school and staff cycles left close to the pedestrian entrance to the school, which would be unlocked at the beginning and end of the school day would be vulnerable to theft. Advice is being sought from the Police. The scheme would benefit from the provision covered cycle storage for staff at the KS1 site, and provision of cycle storage for staff and older children at the KS2 site. A condition is recommended, requiring the submission of further details (Condition 8).

Construction

163. NCC Contaminated Land Team has drawn attention to the need for the applicant to verify that asbestos from site demolition works approved by application

reference 8/12/01345/CTY has been removed and is the subject of a pre-commencement planning condition (Condition 4). A precautionary condition is also recommended in the event that previously unexpected contamination is encountered (Condition 5).

164. Noise associated with piling during construction would take place over a period of two weeks. Whilst noise would be generated by auger piling, the short-term impact on neighbouring residents is considered to be acceptable. It is recommended that the hours of operation for the site strip of the existing playing field for the construction of the MUGA should be restricted so as not to give rise to early morning noise disturbance. Construction impacts would be suitably controlled by the imposition of recommended Condition 14.

Other Options Considered

165. The report relates to the determination of a planning application. In considering the acceptability of the development the possible resiting of the building has been considered. However, the County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been formally considered.

Human Rights Act Implications

166. 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 erode amenity as a consequence of increased on-street parking associated with the development, congregation at school entrance points at the beginning and end of the school day, loss of visual amenity from the removal of mature trees, and noise disturbance generated by use of the Multi-Use Games Area impacting on residents of properties immediately adjoining the site and nearby roads. However, these considerations need to be balanced against the wider public benefits the proposals would deliver in providing an enlarged school to meet the educational demand for primary school places in West Bridgford. Members will need to consider whether these benefits would outweigh the potential impacts.

Statutory and Policy Implications

167. 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

168. The perimeter of the KS1 school, with the exception of the footpath link which would be secured at each end, would benefit from 2.4m high security fencing.

The proposed footpath link connecting the two school campuses would adjoin the playing field of The West Bridgford School which is already enclosed by security fencing.

Conclusions

169. The applicant has identified a demand for additional primary school places in the wider West Bridgford area and the proposed development would allow temporary modular classrooms at this school site, and other schools to be removed. The proposal would allow the school to be reorganised. KS2 children would be taught at the existing Heymann Primary School site whilst nursery and KS1 children would be accommodated in a new building on the site of former offices at West Bridgford House. The previously developed site in a relatively central location to the south of West Bridgford town centre is considered to be a sustainable location for a school. The school campuses would be joined by a secure footpath running at the edge of the playing field of The West Bridgford School, and would provide a safe link for the passage of children and staff between the two school campuses during the school day.
170. Statutory design demands for schools have determined the accommodation to be provided in the new school building. The proposed building could not be satisfactorily resited so as to allow the retention of two willow trees of the highest tree quality to be retained. In determining the application the loss of the trees needs to be balanced against the wider benefit to the community that a school in this location would offer.
171. It is acknowledged that the proposed development is likely to give rise to traffic impacts on Swithland Drive and the adjoining culs-de-sac, as well as Loughborough Road. The draft TRO, which would be the subject of separate statutory procedure, has been reviewed both by NCC Accident Investigation Unit and NCC Highways Development Control and issues of highway safety have not been raised. It is accepted that the highway network immediately adjacent to the school does not have sufficient on-street parking capacity to accommodate the likely numbers of vehicles that the nursery and KS1 school would generate. However, it is considered that in combination with the wider highway network there is sufficient on-street parking capacity in the locality, albeit in a less convenient location for parents, to meet demand. Difficulties experienced in attempting to park close to the school may influence parent behaviour, encouraging them to park in more convenient locations or walking to the school.
172. Traffic attracted to the school would alter the character of Swithland Drive and adjoining culs-de-sac for relatively short periods of the day during school term times. Members will need to consider whether the change in character of the local area would give rise to such harm as to outweigh the presumption that school development should be supported, as expressed in the NPPF and the letter from the Secretary of State for Communities and Local Government.

Statement of reasons for the decision

173. National Planning Policy Framework (NPPF) *Promoting healthy communities* Paragraph 72 advises that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing communities, giving great weight to the need to create, expand or alter schools. In determining the application, appropriate weight has been given to the letter to Chief Planning Officers from the Secretary of State for Communities and Local Government dated 12 August 2011 stating that there should be presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community.
174. The development would meet an identified strategic need for education places in West Bridgford and the provision of a safe crossing point on the A60, in proximity to Public Footpath West Bridgford No 56 linking to Repton Road would facilitate travel to the school, and The West Bridgford School nearby, on foot and would comply with RCS Policy 11 *Local Services and Healthy Lifestyles* (which supports the provision of new or extended community facilities where they meet local need).
175. The impact of the development has been considered against RCS Policy 9 *Design and Enhancing Local Identity* (which expects new development to be designed, amongst other criteria, to reflect the need to reduce the dominance of motor vehicles. Development needs to be assessed in terms of impact on the amenity of nearby residents, massing, scale and proportion, materials, architectural style and detailing, and the reduction of opportunities for crime). The nursery and Key Stage (KS) 1 building would generally be located on the site of an office building attached to West Bridgford House day care centre, currently being demolished. The overall height of the building would be lower than the former office building and would have an acceptable impact in relation to the adjoining day care centre and nearby residential properties.
176. Although the proposal would alter the character of Swithland Drive, Roecliffe and Cropston Close, through the introduction of significant vehicle movements and on-street parking on the immediate highway network at peak school hours during term times, it has been balanced against the wider benefits that the proposal offers to the local community, the NPPF and guidance to Chief Planning Officers from the Secretary of State for Communities and Local Government.
177. Traffic impacts in terms of highway safety have been considered and traffic management measures, subject to separate statutory process, are proposed affecting the highway network some distance from the application site. Initial traffic regulation measures would be reviewed once the development is brought into use.
178. The removal of two willow trees, identified as being of the highest quality but not subject to statutory protection has been balanced against the merit that the proposal offers to education. The site is constrained by changes in level and an adjacent day care centre, which would be adversely impacted by resiting the building to the west in an attempt to retain one of the willow trees. Appropriate mitigation for the removal of the willow trees would be provided through the

planting of an avenue of semi-mature trees at the pedestrian entrance to the school in combination with other replacement tree planting on the site.

179. Consideration has been given to the noise impact that may arise from extended use of outdoor area at the KS2 school where an existing grass pitch would be replaced by a sand dressed multi-use games area. Residential amenity would be safeguarded by the provision of acoustic fencing, if a subsequent report to be submitted in compliance with a condition of permission identifies that it is required.
180. The proposed surface water drainage strategy would result in improved water quality and a reduced rate of run-off from the site and would comply with RCS Policy 1: *Climate Change* (which states that all new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems in all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible).
181. Although the development would not be BREEAM certificated, the design would achieve a standard equivalent to BREEAM 'Very Good'. BREEAM assessment uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. The measures used represent a broad range of categories and criteria and include aspects related to energy and water use, the internal environment (health and well-being), pollution, transport, materials, waste, ecology and management processes and would comply with RCS Policy 1: *Climate Change*, which identifies criteria against which to assess sustainable design.
182. Whilst the County Council acknowledges the potential of the proposal to give rise to traffic and amenity impacts 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

183. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; scoping of the application; assessing the proposals against relevant Development Plan policies; identifying all material considerations; forwarding consultation responses and any valid representations that may have been received in a timely manner; liaising with consultees to resolve issues raised and move towards a timely determination of the application; and giving the applicant advance sight of draft planning conditions. Issues of concern have been raised with the applicant, such as the quality of surface water discharge from the site, noise that may be generated by the use of the MUGA, and impact on security that may arise through use of the footpath linking the two school campuses, and have been addressed through negotiation and acceptable amendments to the proposals. The CPA has also engaged positively in the preparation of the draft Traffic Regulation Order. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

184. 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.

SALLY GILL

Group Manager Planning

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in the report.

[NAB 7.12.12]

Comments of the Service Director - Finance

The contents of the report are duly noted, there are no financial implications.

[DJK 06.12.12]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

West Bridgford West Councillor Gordon Wheeler

Report Author/Case Officer

David Marsh

0115 9696514

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

F/2672 – DLGS REFERENCE

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.

Reason: To enable the CPA to monitor compliance with the conditions of the planning permission.

3. Unless otherwise previously agreed in writing by the CPA or where required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the documents supporting the application as amended, including the recommendations of submitted reports, and the following plans:

- a) Location Plan (Drawing HP-CS-ZZ-ZZZ-DFP-AR-061100 Rev L01) received by the CPA on 30 August 2012.
- b) Proposed Site Plan (Drawing CS/056148-LS-001F) received by the CPA on 21 November 2012.
- c) Colour Landscape Masterplan (Drawing CS/056148-LS-010E) received by the CPA on 6 December 2012.
- d) Hard Landscape General Arrangement – Plan 1 of 2 (Drawing CS/056148-LS-101C) received by the CPA on 21 November 2012.
- e) Hard Landscape General Arrangement – Plan 2 of 2 (Drawing CS/056148-LS-102C) received by the CPA on 21 November 2012.
- f) Footpath Section (Drawing CS/056148-LS-103) received by the CPA on 28 September 2012.
- g) Footpath Link Plan (Drawing CS/056148-LS-101C) received by the CPA on 21 November 2012.
- h) Footpath Link Sections (Drawing CS/056148-LS-105) received by the CPA on 21 November 2012.

- i) Boundary Treatment and Enclosures Plan (Drawing CS/056148-LS-006C) received by the CPA on 21 November 2012.
- j) Proposed MUGA Layout (Drawing CS/056148-LS-007B) received by the CPA on 21 November 2012.
- k) MUGA Sections (Drawing CS/056148-LS-106) received by the CPA on 21 November 2012.
- l) Proposed Ground Floor Plan (Drawing HP-CS-ZZ-ZZZ-DFP-AR-061002 Rev P06) received by the CPA on 30 August 2012.
- m) Proposed First Floor Plan (Drawing HP-CS-ZZ-ZZZ-DFP-AR-061003 Rev P06) received by the CPA on 30 August 2012.
- n) Proposed Roof Plan (Drawing HP-CS-ZZ-ZZZ-DFP-AR-061004 Rev P02) received by the CPA on 30 August 2012.
- o) Proposed Elevations 1 (Drawing HP-CS-ZZ-ZZZ-DFP-AR-062001 Rev P03) received by the CPA on 30 August 2012.
- p) Proposed Elevations 2 (Drawing HP-CS-ZZ-ZZZ-DFP-AR-062002 Rev P03) received by the CPA on 30 August 2012.
- q) Canopy Details (Drawing HP-CS-ZZ-ZZZ-DFP-AR-063200 Rev P02) received by the CPA on 5 October 2012.
- r) Proposed Sections 1 (Drawing HP-CS-ZZ-ZZZ-DFP-AR-063001 Rev P03) received by the CPA on 30 August 2012.
- s) Proposed Sections 2 (Drawing HP-CS-ZZ-ZZZ-DFP-AR-063002 Rev P00) received by the CPA on 30 August 2012.
- t) Foxtail Climbing Tower received by the CPA on 10 October 2012.
- u) Tree Retention/Removal Plan (Drawing 5234-A-05 Rev B) received by the CPA on 21 November 2012.
- v) Tree Protection Fencing Plan (Drawing 5234-A-06 Rev C) received by the CPA on 21 November 2012.
- w) KS1 Proposed Planting Plan (Drawing CS/056148-LS-502) received by the CPA on 2 November 2012.
- x) Piling Access (Drawing L1) and supporting statement received by the CPA on 5 October 2012.
- y) External Lighting Drawing (Drawing HPS-CS-00-000-DSP-ES-630020 Rev P03) received by the CPA on 21 November 2012 and related

schedule of luminaries (Reference K,M,and N) received by the CPA on 1 November 2012.

z) MUGA Drainage Layout (Drawing 203 Rev A) received by the CPA on 5 September 2002.

aa) Acoustic fence specification received on 26 November 2012.

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

4. Prior to the commencement of development, the ground underlying the demolition footprint and immediate surrounding area following demolition of the former office building on the site, in compliance with Condition 11 of planning permission reference 8/12/01345/CTY, shall be tested to confirm the absence of asbestos containing materials and a validation report shall be submitted to and approved in writing by the CPA.

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

5. 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 dealing with how the unsuspected contamination shall be dealt with 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.

6. No construction works or the storage of construction materials shall take place where replacement tree planting is to be carried out. Unless otherwise first approved in writing by the CPA, areas for replacement tree planting shall be secured by the erection of fencing or other means of enclosure to the written satisfaction of the CPA prior to the commencement of main site works, and shall be so retained until tree planting is to take place.

Reason: To ensure that areas where replacement tree planting is carried out is not adversely affected by construction activity.

7. Prior to the following development taking place on site, plans, elevations and other details as appropriate of the;
 - a) MUGA storage building;
 - b) storage sheds;
 - c) bin storage enclosure;
 - d) cycle shelter design; and

- e) colour of security gates and fencing

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

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

8. Notwithstanding details shown on the approved plans, unless otherwise first approved in writing by the CPA, two 10 space cycle shelters offering weather protection shall be provided on the site appropriate for use by staff, visitors and children at the school, in locations that shall first be agreed in writing by the CPA. If a cycle shelter is not provided at the pedestrian entrance at the junction of Swithland Drive and Maple Way, a revised plan as part of the submission shall show how the site landscape would be varied from that shown on drawings approved by this permission and shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the provision of adequate and appropriately located cycle parking, and for the avoidance of doubt as to the development that is permitted.

9. Prior to being installed, details of the access barrier to be provided at the entrance to the car park to West Bridgford House, and means by which access to the site will be controlled and monitored by the school and the day care centre, shall be submitted to and approved in writing by the CPA. The development shall operate in compliance with the approved details.

Reason: To ensure that the car park is accessed only by authorised users.

10. Notwithstanding details submitted in support of the application, details of the means of enclosure to be erected to the rear of 43-59 Denton Drive along the southern side of the approved footpath link, and the location of the access gate between the footpath link and The West Bridgford School, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved development.

Reason: In the interest of visual amenity, to safeguard the privacy that nearby residents could reasonably expect to enjoy, and to ensure the provision of a suitable level access between the two school sites.

11. Notwithstanding details submitted in support of the application, prior to installation, details of external light fittings to be fixed to the building shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details and shall be installed prior to the development first being brought into use, unless otherwise first agreed in writing

with the CPA. All light fittings shall be shielded as appropriate to minimise the level of light spillage outside the application site.

Reason: To safeguard the amenity of nearby residents.

12. 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) measures for the control of construction noise, vibration and dust emissions, and
 - b) a scheme for the recycling/disposal of surplus soils and waste resulting from construction; and
 - c) the timing of deliveries and other construction related traffic entering or leaving the site via Waddington Drive; and
 - d) construction site layout to segregate students from construction taking place on the Heymann Primary 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 protect the amenities at present enjoyed by the occupiers of nearby residential properties.

13. Unless otherwise first approved in writing by the CPA, all personnel engaged in construction of the approved development shall access the site via Swithland Drive.

Reason: In the interest of highway safety and to protect the amenities at present enjoyed by the occupiers of nearby residential properties.

14. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA;
- a) no construction work shall take place on Sundays, Public or Bank Holidays, and
 - b) no construction work shall be carried out or plant operated except between 07:30 hrs – 18:00 hrs Mondays to Fridays and 07:30 hrs 13:00 hrs on Saturdays, and
 - c) no earth moving operations shall be carried out except between 08:00 hrs – 18:00 hrs Mondays to Fridays and 08:00 hrs – 13:00 hrs on Saturdays.

Reason: To safeguard the amenity of nearby residents.

15. No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details that shall first be submitted to and approved in writing by the CPA. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public highway.

Reason: To reduce the possibility of deleterious material being deposited on the public highway.

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

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

17. Any tree to be removed shall be inspected for bat roosts immediately prior to being felled.

Reason: To safeguard the ecology of the site.

18. During construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents, and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

Reason: To safeguard against pollution.

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

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

20. Prior to the commencement of main site works, a scheme of surface water drainage, incorporating the additional sustainable drainage principles referenced in the email received by the CPA on 30 November 2012, shall be submitted to and approved in writing by the CPA. The surface water drainage scheme shall be designed in accordance with the Drainage Strategy and Flood Risk Assessment - August 2012 submitted in support of the application, adapted to incorporate the filtration of surface water drainage prior to discharge from the site. Development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in compliance with RSS 8 Policy 35 - A Regional Approach to Managing Flood Risk and in compliance with Rushcliffe Core Strategy - Publication Version - March 2012 (RCS) Policy 1 – Climate Change.

21. Prior to the commencement of main site works, tree protection in accordance with the approved Arboricultural Assessment (Construction) - July 2012, as amended by Drawing 5234-A-06 Rev C received by the CPA on 21 November 2012, shall be implemented to the written satisfaction of the CPA. Unless otherwise first approved in writing by the CPA, the approved tree protection measures shall be retained throughout the period of construction.

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

22. Prior to work taking place within the safeguarded root protection area of any tree a detailed method statement of work within the safeguarded area shall be submitted to and approved in writing by the CPA. Development shall be undertaken in accordance with the approved detail.

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

23. Prior to the commencement of main site works, a report to demonstrate that the completed development will achieve a minimum standard equivalent to BREEAM 'Very Good' shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

Reason: In the interest of sustainability and in compliance with RSS 8 Policy 2 – Promoting Better Design.

24. Prior to their use on site samples of facing materials and external finishes and a schedule of colours of walls, roof, window frames, doors, gutters, downpipes, flues, external ventilation equipment and paving, shall be submitted to and approved by the CPA in writing. The 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.

25. Within 3 months of the commencement of development, a timetable for the provision of car parking spaces approved by this permission shall be submitted and approved by the CPA. West Bridgford House day care centre shall not be brought back into use until such time as the car parking area to be provided to the west of West Bridgford Fire Station has been constructed to a standard acceptable for used for car parking by vehicles associated with the construction of the development.

Reason: To ensure the timely on-site provision of car parking for construction traffic in the interest of highway safety.

26. Within 6 months of the date of commencement of development, a scheme, including:

- a) a specification for tree pits; and
- b) a schedule of maintenance of planting indicated on approved Drawing CS/056148-LS-502; and
- c) the provision of facilities for bats and bird nesting, as recommended in FPCR Ecological Appraisal (Paragraphs 4.9 and 4.13) received by the CPA on 30 August 2012,

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

The approved landscaping and planting scheme shall be completed not later than the first planting season following the development first being brought into use. Any tree, plant or shrub that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

Reason: In the interest of visual amenity and the ecology of the site.

27. The Multi-Use Games Area approved by this development shall be constructed in accordance with appropriate Sport England technical guidance for the construction of all-weather sand-dressed pitches. Prior to the commencement of construction of the Multi-Use Games Area;

- a) the design and construction of the pitch; and
- b) a timescale for the provision of the facility

shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details and within the timescale that shall be first agreed in writing by the CPA. Toilet facilities shall be made available at the school when letting the Multi-Use Games Area to non-school users.

Reason: To ensure the provision of pitches to a standard fit for purpose for use by both the school and the community.

28. Unless otherwise agreed in writing by the CPA, use of the Multi-Use Games Area (with accessible toilet facilities) shall be restricted to the following:

Mondays – Fridays (school use)

07:30 – 18:00 hrs

Mondays – Fridays

(community use during school holidays up to age 12) 09:00 – 18:00 hrs

Saturdays (school or community use up to age 12) 09:00 – 18:00 hrs

The Multi-Use Games Area shall only be used by the community under adult supervision through managed lettings, and shall expressly not be used by the community for unsupervised activities.

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

29. Prior to the KS1 school and nursery first being brought into use, the car parking area to be provided within the West Bridgford House site to the west of West Bridgford Fire Station shall be marked out to the satisfaction of the CPA.

Reason: To ensure the timely provision of car parking in the interest of highway safety.

30. Within two months of the Multi-Use Games Area approved by this development first being brought into use, a report assessing noise generated when the Multi-Use Games Area is in use shall be submitted to the CPA. Notwithstanding the extent of acoustic fencing shown on approved Drawing CS/056148-LS-101C, acoustic fencing equivalent to the specification approved by this permission, shall only be erected in the event that noise when the MUGA is in use exceeds 55dB(A)L_{aeq}, 1 hour, or where there is an increase in 10dB(A)L_{aeq}, 1 hour above existing background noise level, when measured within the curtilage of any residential receptor.

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

31. Prior to the School being brought into use the following shall be in place to the satisfaction of the CPA:
- a) The provision of a 'Puffin' pedestrian crossing on the A60 Loughborough Road in the vicinity of Swithland Drive, and the relocation of the 40mph speed limit in a southerly direction subject to the processing and confirmation of the associated Traffic Regulation Order.
 - b) The introduction of parking restrictions on Swithland Drive and A60 Loughborough Road, 'H' bars across driveways, the protection of the Fire Station access generally in accordance with the draft Traffic Regulation Order submitted in support of the application, and the processing and confirmation of the associated Traffic Regulation Order.
 - c) The provision of a School Safety Zone on Swithland Drive, in the form of guardrail, signage and road markings as appropriate.

- d) The provision of a School Safety Zone on the A60 or extension of The West Bridgford School Safety Zone to incorporate the Swithland Drive junction, and the relocating the A60 interactive traffic sign if made necessary by the works.
- e) The formalisation of a lay-by and removal of the existing redundant construction site access on Swithland Drive and the formation of a continuous generally 3.0m wide minimum width footway across the site frontage, adjustments to the site's vehicular entrance to include informal pedestrian crossing facilities, and pedestrian guard rail at the pedestrian entrance.
- f) The provision of the pedestrian link between the two school campuses unless otherwise first agreed in writing by the CPA.

Reason: In the interest of highway safety and to safeguard access to the Fire Station.

- 32. The Head Teacher of the extended school approved by this development, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and approved Heymann School Travel Plan (received by the CPA on 24 October 2012) and within 3 months of occupation provide a Full KS1 and KS2 Combined School Travel Plan (Combined Heymann School Travel Plan) aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school. The Combined Heymann School Travel Plan shall be consistent with the Travel Plan Framework and Heymann School Travel Plan, and shall be submitted to and approved in writing by the CPA. The Combined Heymann School Travel Plan shall be implemented in accordance with the approved timetable and shall be updated consistent with future Combined Heymann School Travel Plan initiatives, including implementation dates, to the satisfaction of the CPA.

Reason: To promote sustainable travel.

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

Reason: To promote sustainable travel.

34. Following the completion of the development, noise levels generated by the development or activities on site shall not exceed 55dB(A)_{L_{aeq}}, 1 hour, between 07:00 – 23:00 hours, measured on any boundary of the site.

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

35. Following the completion of the development, noise levels from any machinery or activity on the site between the hours of 23:00 – 07:00 shall not exceed the existing night - time background _{L_{a90}} noise level, measured in the garden of any property adjoining the site boundary.

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

36. Within a timeframe of between nine and twelve months after the development approved by this permission is first brought into use, a review of the TRO introducing parking restrictions on Swithland Drive and Loughborough Road, referenced in Condition 31b) of this permission, shall be submitted to the CPA. The review shall identify the effectiveness of parking restrictions and need to introduce additional traffic management measures on the public highway to address any highway safety issues that are identified. Any additional parking restrictions or measures that are required to address issues of highway safety associated with use of the development approved by this permission shall be provided in a timescale agreed in writing by the CPA.

Reason: In the interest of highway safety.

Informatives

1. With reference to Condition 6, any toxicity, over-compaction, flooding through level change or unnecessary re-profiling of the soil will impact on the suitability of the ground for replanting.
2. With reference to Condition 8, cycle parking facilities should be located where they will best meet operational needs and not be vulnerable to crime.
3. With reference to Condition 9, the barrier to be installed should be designed so as to allow authorised access only and not allow one vehicle to follow another directly to gain access to the car park.
4. With reference to Condition 10, the fencing should provide security, allow access and ideally visibility into the area between the footpath and the boundary with residential properties to the south, whilst maintaining privacy from overlooking in adjoining rear gardens. The access gate to The West Bridgford School should be sited so as to allow an easy, generally level access route to the adjoining playing field.

5. With reference to Condition 3aa) and Condition 30, an alternative acoustic fence to that approved will need as a minimum to achieve or exceed the noise attenuation specification of the acoustic fence approved by this permission.
6. NCC Ecology Team recommends that invasive non-native species on the site are removed.
7. Western Power Distribution has network within and in close proximity to the site. Attention is drawn to the consultation response from Western Power Distribution dated 11 October 2012, a copy of which is enclosed.



Policy statement – planning for schools development

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

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

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

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

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

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

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

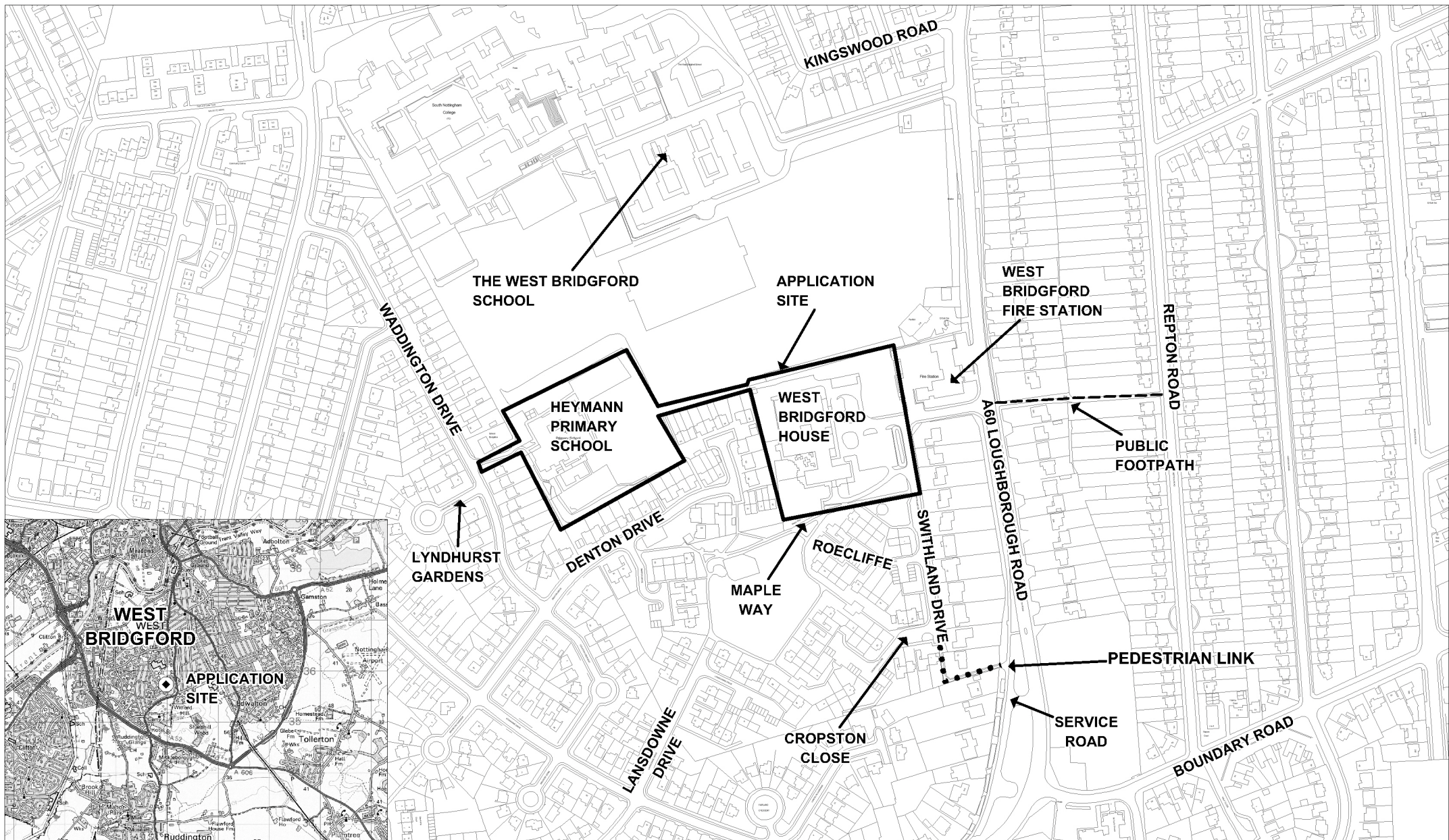
This statement applies to both change of use development and operational development necessary to the operational needs of the school.

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

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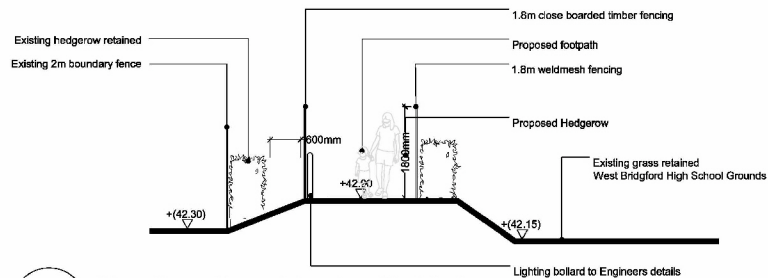
Erection of 270 place Key Stage 1 School Annex and 39 place Nursery,
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 Construction of Multi-Use Games Area.
 West Bridgford House Site, Swithland Drive, West Bridgford.
 Planning Application No. 8/12/01741/CTY

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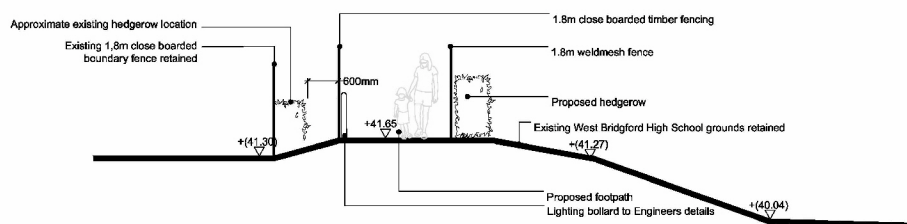
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PLAN 1



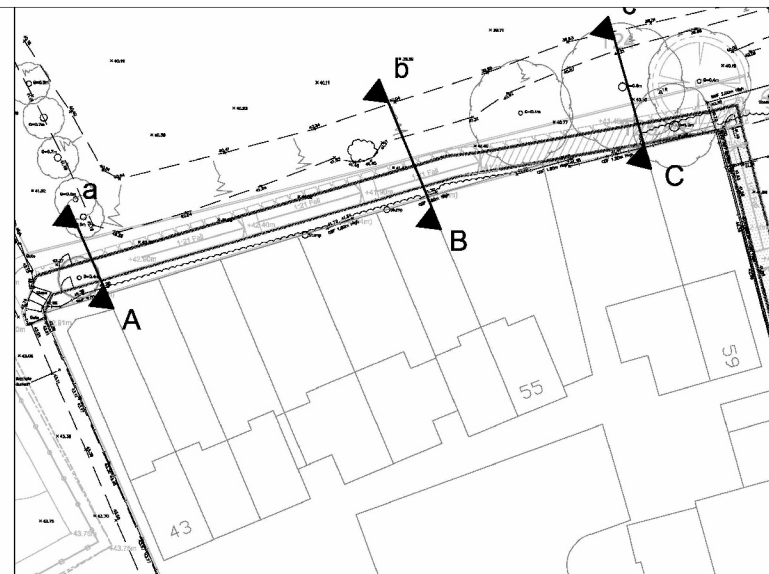
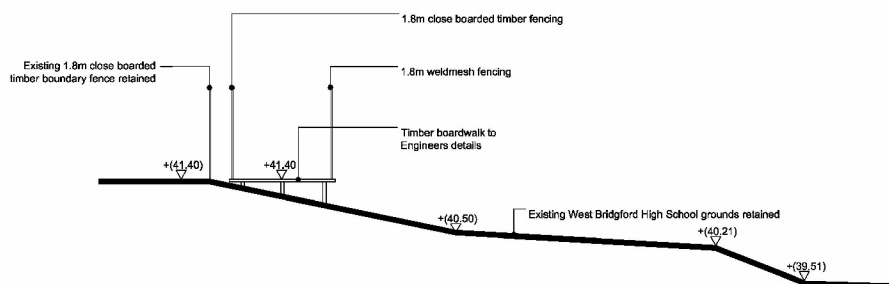
A Section Aa - Footpath Link

1:50



B Section Bb - Footpath Link

1:50



D Key Plan

NTS

Rev	Date	By	Notes
Client			
Wales Construction			
Project			
Heymans Primary KS1			
Drawing Title			
Footpath Link Sections			
Drawing Status			
For Stage E			
Scale	Date	Drawn	Checked
1:50@A1	Nov '12	LV	
Drawing No	Checked	Approved	
CS/056148-LS-105		JW	

CAPITA SYMONDS



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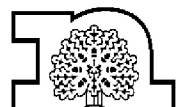
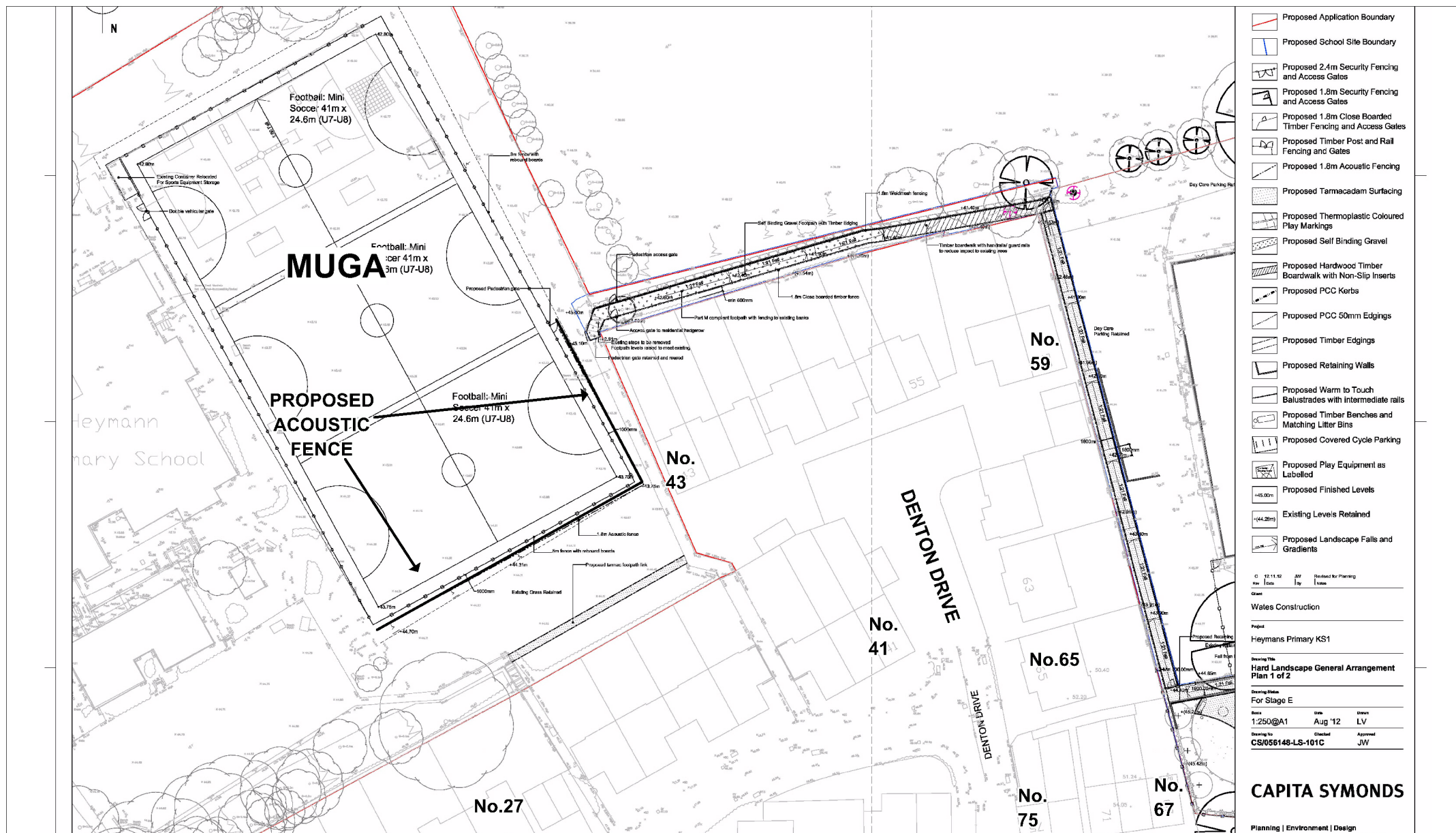
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PLAN 13



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PLAN 14



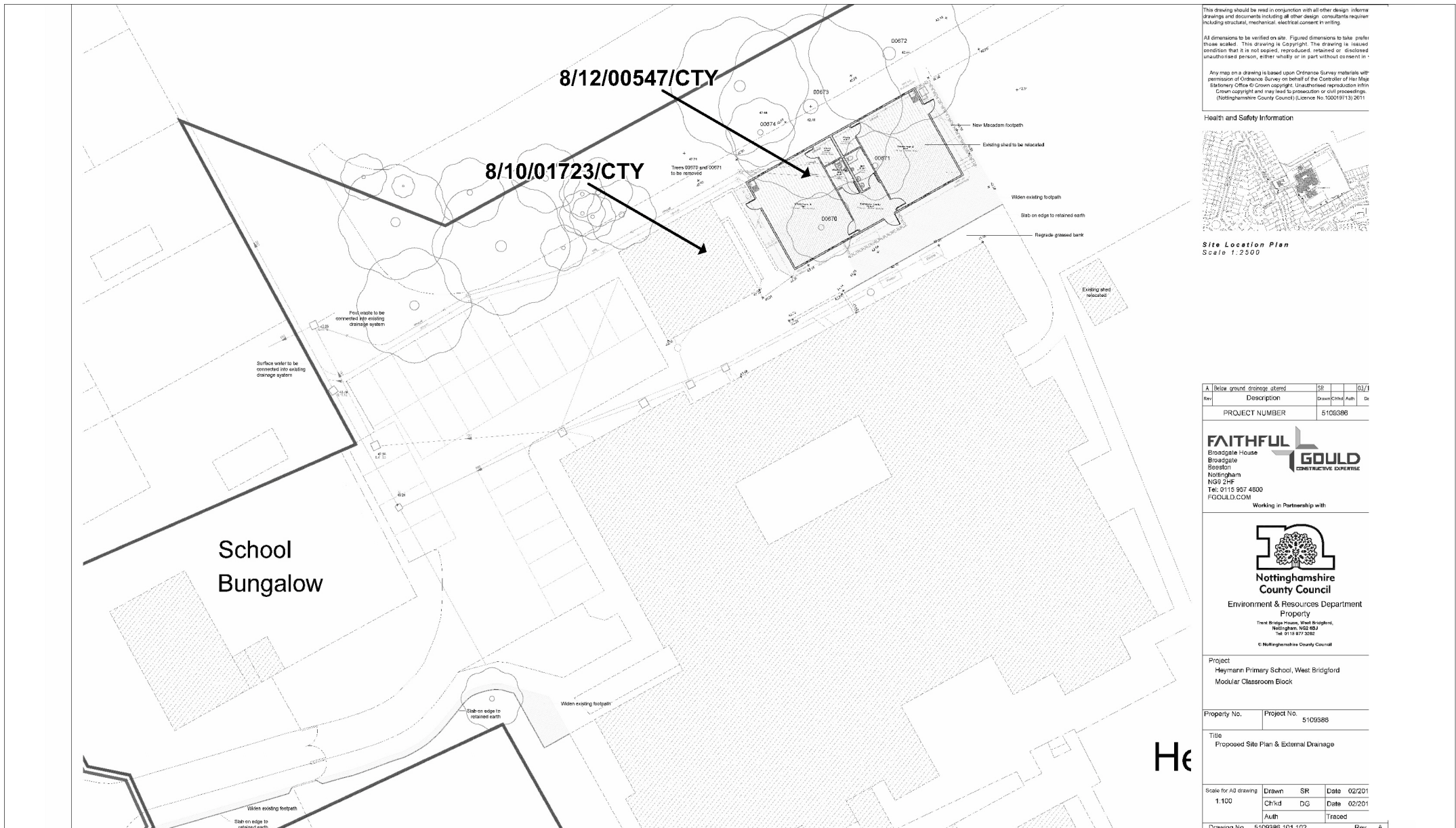
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PLAN 2

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All dimensions to be verified on site. Figured dimensions to take prefer those scaled. This drawing is Copyright. The drawing is issued on condition that it is not copied, reproduced, retained or disclosed without the written consent of the author or his firm.

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Health and Safety Information



Site Location Plan
Scale 1:2500

Rev	Description	SR	Chkd	Auth	Dt
A	Below ground drainage altered				01/1
PROJECT NUMBER		5106386			

FAITHFUL+GOULD
CONSTRUCTIVE COURTESY
Broadgate House
Broadgate
Nottingham
NG5 2HF
Tel: 0115 957 4800
FGOULD.COM

Working in Partnership with



Nottinghamshire County Council
Environment & Resources Department
Property
Three Bridge House, West Bridgford,
Nottingham, NG2 8BJ
Tel: 0115 977 3082
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Project
Heymann Primary School, West Bridgford
Modular Classroom Block

Property No.	Project No.
	5106386

Title
Proposed Site Plan & External Drainage

Scale for A0 drawing	Drawn	SR	Date	02/201
1:100	Ch'kd	DG	Date	02/201
	Auth		Traced	

Drawings No.	5106386 104 102	Rev.	A
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Erection of 270 place Key Stage 1 school annex and 39 place Nursery, use of existing Heymann Primary School as a 360 place Key Stage 2 School. Construction of Multi-Use Games Area. West Bridgford House Site, Swithland Drive, West Bridgford. Planning Application No. 8/12/01741/CTY

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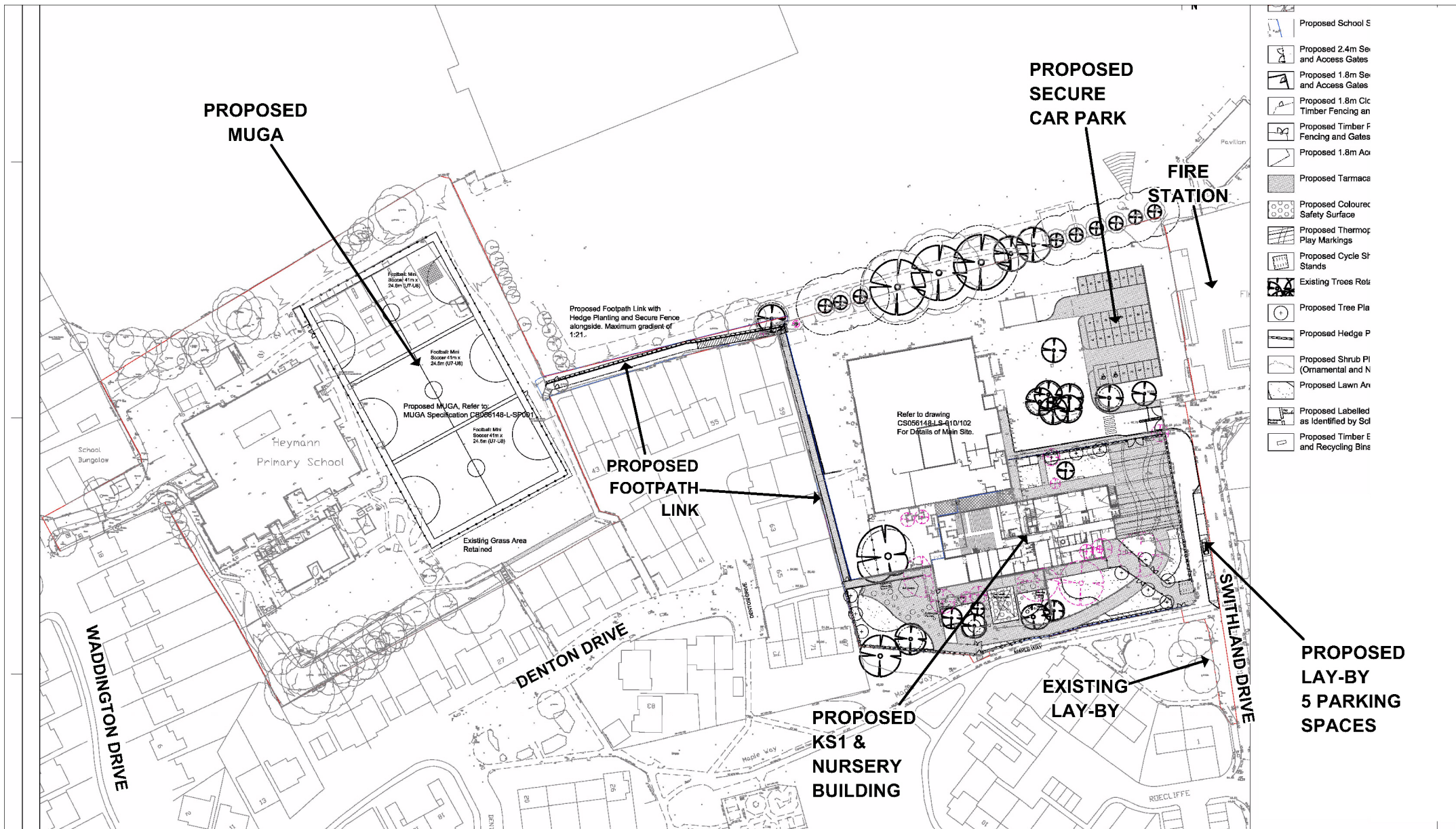


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PLAN 3



Erection of 270 place Key Stage 1 school annex and 39 place Nursery, use of existing Heymann Primary School as a 360 place Key Stage 2 School. Construction of Multi-Use Games Area. West Bridgford House Site, Swithland Drive, West Bridgford. Planning Application No. 8/12/01741/CTY

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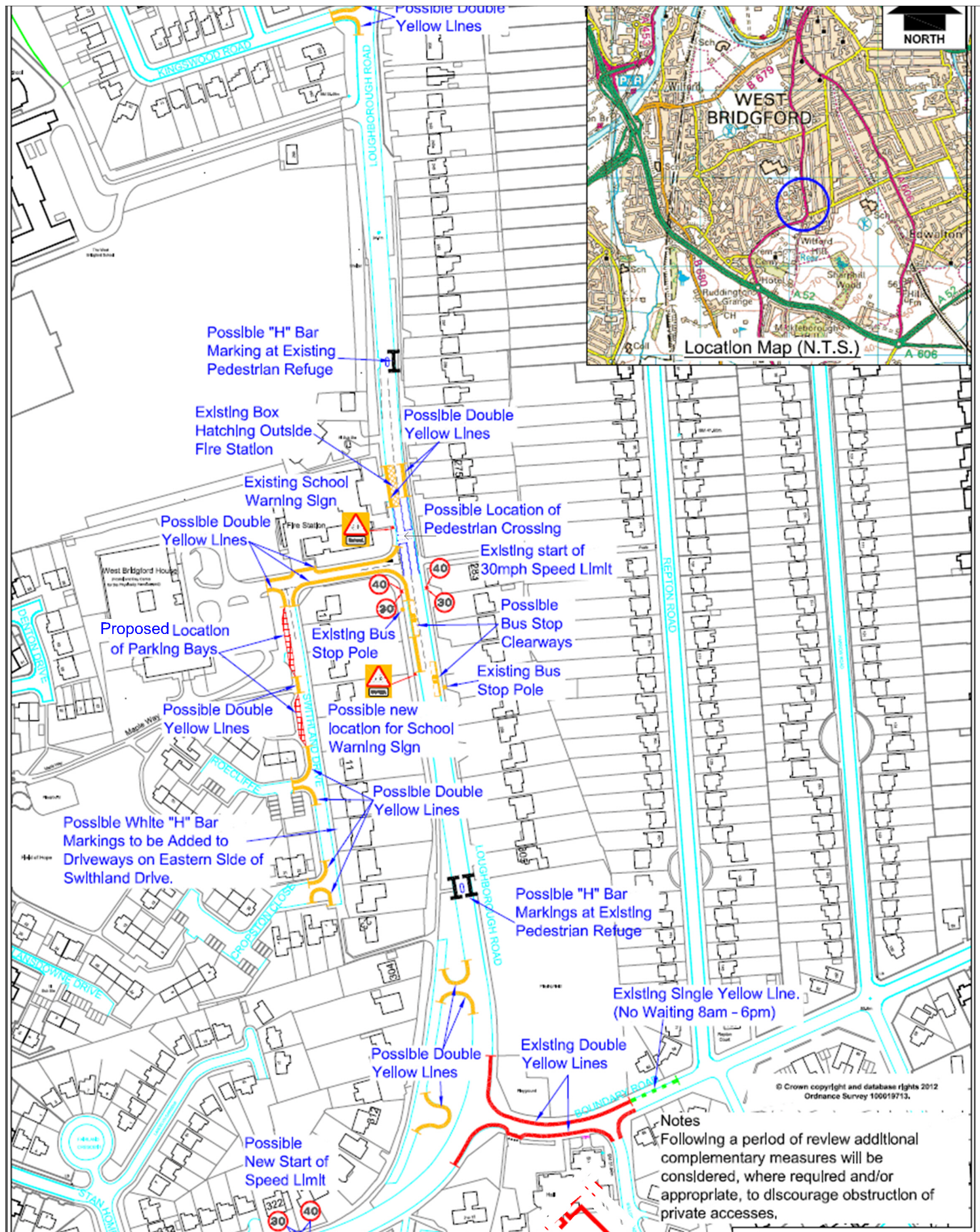


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PLAN 4



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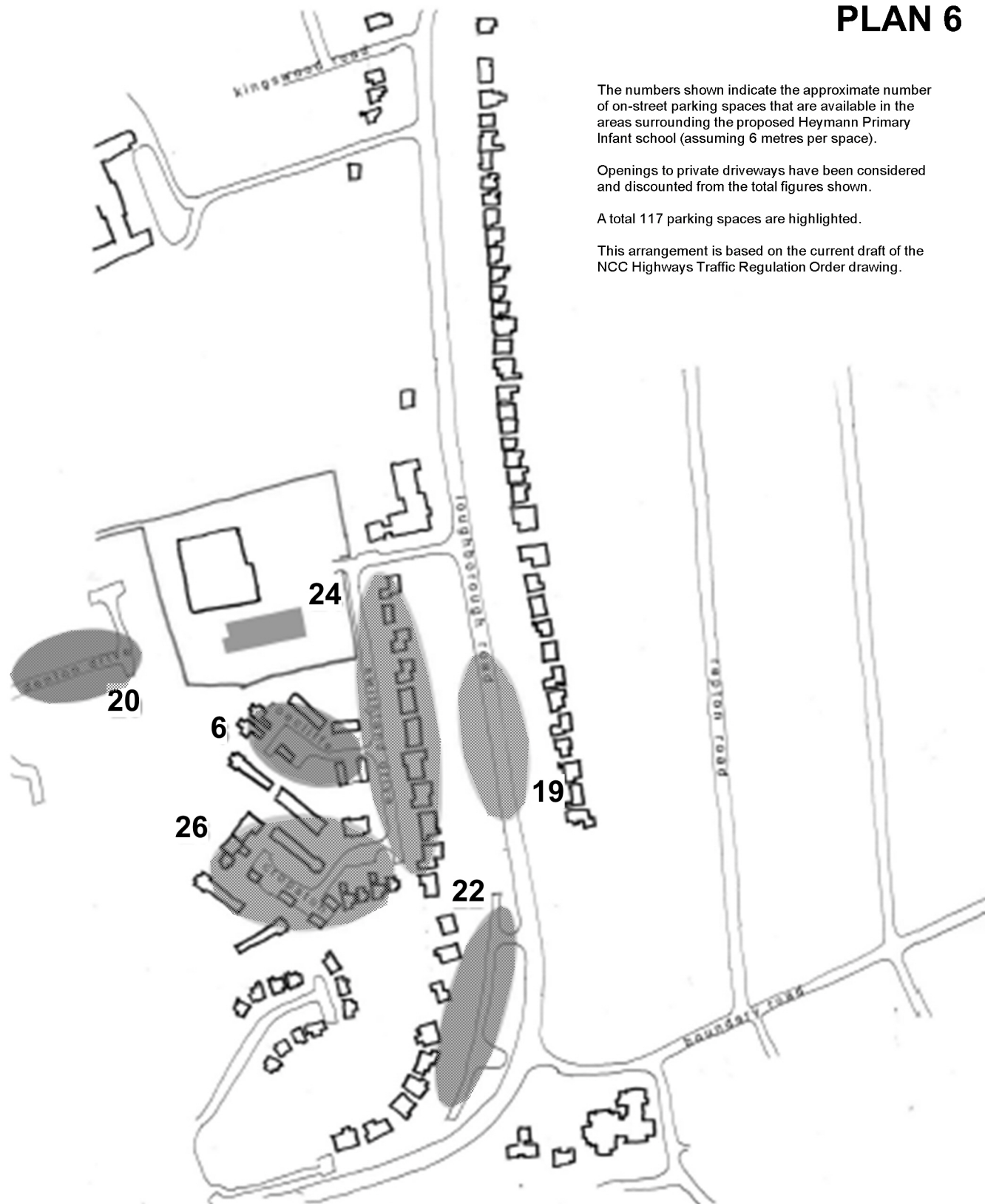


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PLAN 6



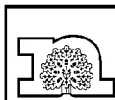
The numbers shown indicate the approximate number of on-street parking spaces that are available in the areas surrounding the proposed Heymann Primary Infant school (assuming 6 metres per space).

Openings to private driveways have been considered and discounted from the total figures shown.

A total 117 parking spaces are highlighted.

This arrangement is based on the current draft of the NCC Highways Traffic Regulation Order drawing.

On-Street Parking Analysis
Heymann Primary School
 1:2000 14.11.12



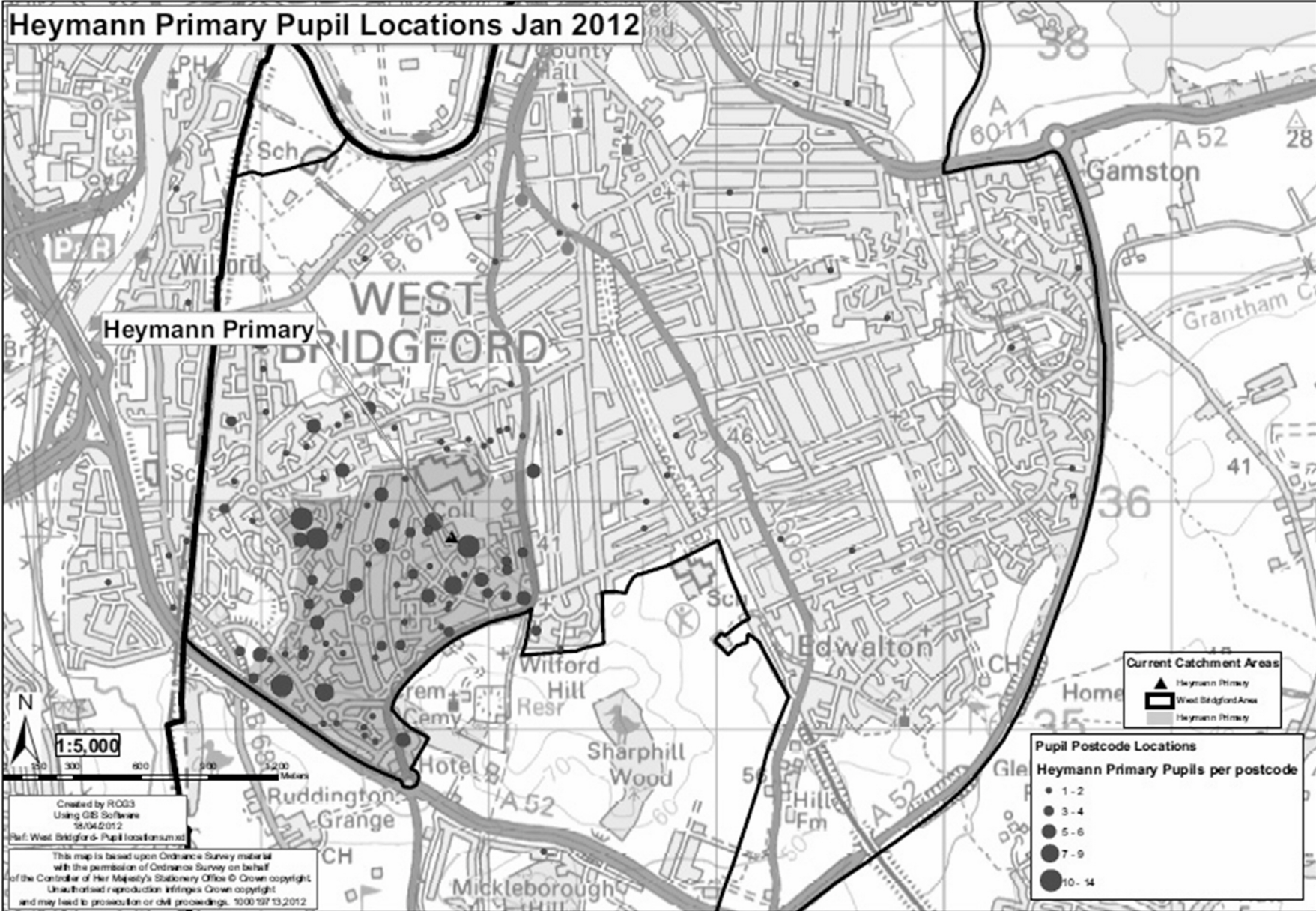
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PLAN 7

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West Bridgford House Site, Swithland Drive, West Bridgford.
Planning Application No. 8/12/01741/CTY

18th December 2012**Agenda Item: 6****REPORT OF GROUP MANAGER PLANNING****RESPONSE TO DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT
CONSULTATION ON 'PLANNING PERFORMANCE AND THE PLANNING GUARANTEE'****Purpose of Report**

1. To seek Committee's agreement to a response on a consultation from the Department for Communities and Local Government in respect of 'Planning Performance and the Planning Guarantee'. The recommendation is for Committee to note the report and endorse the responses to the consultation questions as set out at Appendix 1.

Background

2. Members will be aware that the Government, in recognising the vital role the planning system has to play in supporting growth, has introduced reform aimed at simplifying national policy through the introduction of the National Planning Policy Framework (NPPF). Other reforms aimed at speeding up planning procedures have also been announced including the planning guarantee whereby applications should take no longer than a year to determine, including any planning appeal.
3. The Growth and Infrastructure Bill, introduced to Parliament on 18 October 2012, contains additional proposals, including a measure designed to facilitate quicker and better decisions where there are clear failures in local authority planning performance, by allowing applicants the option of applying directly to the Planning Inspectorate.
4. Whilst envisaged as applying only in a handful of situations where councils have a track record of failing to deliver an effective service in either the speed or quality of its decisions, the Government's intention is to offer applicants the choice of a better service. At the same time, the Government wishes to ensure such under performing authorities can access the support needed to enable them to improve as swiftly as possible.
5. In November 2012 the Department for Communities and Local Government (DCLG) issued a consultation paper entitled 'Planning Performance and the Planning Guarantee' which seeks views for implementing this measure once the Bill is enacted and to inform debate on the clause during its passage through Parliament. The consultation also sets out proposals for implementing the

planning guarantee. The following section summarises the consultation proposals. The full consultation paper can be viewed at: <https://www.gov.uk/government/consultations/planning-performance-and-the-planning-guarantee>. Appendix 1 reproduces the consultation questions and sets out suggested responses on behalf of the County Council.

6. The consultation closes on 17 January 2013. The response on behalf of the Authority would, therefore, be made by this Committee subject to any amendments that may be required by the Monitoring Officer. Should the Monitoring Officer wish to make any amendments of substance, it is proposed to bring these to the Chairman's attention.

The Proposals

7. The Government intends for very poor performance to be assessed against clear benchmarks to define what this means in practice. Applicants seeking permission for proposals falling within the definition of major development (which includes development involving 1,000 sq.m or more of new floorspace, a site of 1 hectare or more and development involving minerals and waste) in those authorities would be able to opt to have their proposal submitted to the Planning Inspectorate. A sufficient degree of improvement would need to be demonstrated before such a designation would be removed from an affected authority.
8. The Government anticipates that this legislation would stimulate increased focus on performance amongst planning authorities and help ensure the planning guarantee is met. The Government proposes to further reinforce the planning guarantee by enabling a refund of the planning application fee should an application, major or otherwise, be undetermined after 26 weeks. Whilst the principal of encouraging swifter decision-making is to be supported, it does represent a stark juxtaposition with views expressed previously by the Government that authorities should be able to set their own fees for planning applications on the basis that fee levels were insufficient to cover the costs of processing applications.
9. The consultation paper recognises the importance of delivering positive and timely decisions and notes that delays can involve unnecessary expense, loss of investment and uncertainty for affected communities. The Government notes a decline in the speed with which applications are determined despite a decrease in applications, although the paper appears to take no account of the fact that numerous authorities have been forced to reduce resources in recent years in order to deliver budgetary savings.
10. The Government acknowledges that there can be good reasons for some delays, such as where parties recognise that more time than the statutory period is required to negotiate desired outcomes on large or complex schemes. It is not the Government's aim to tackle such instances, rather those of 'unnecessary delay and of poor decisions'.
11. Much of the thrust of the paper would appear to conflict with the Government's stated position favouring localism. The paper does, however, reiterate the

Government's intention to use this power very sparingly and that its commitment to decentralisation remains. Accordingly it argues that the great majority of authorities that already provide an effective planning service will not be affected other than to be reminded of the importance of timely and well considered decisions.

Assessing Performance (see Q1, Appendix 1)

12. The Government intends to issue a policy statement setting out criteria for assessing performance and thresholds for designating any authorities under this measure. In an effort to keep the approach simple and transparent, the Government proposes to monitor and assess performance on the basis of two key measures: the speed and quality of decisions on planning applications

Speed of decisions (Q2)

13. The Government proposes to use existing statutory time limits for determining applications - unless an extended period has been agreed in writing between the parties. The statutory time limits allow 13 weeks for applications for major development, 16 weeks for applications subject to the Town and County Planning (Environmental Impact Assessment) (EIA) Regulations 2011 and eight weeks for all others.
14. It is proposed that identifying and addressing very poor performance would solely focus on applications for major development as the Government considers these to be the most important for driving growth and as having the greatest bearing upon communities. Government recognises that some authorities may deal with relatively few applications for major development and performance can fluctuate quarter to quarter. Accordingly it is proposed that performance is assessed annually against such applications determined within 13 weeks (or 16 weeks for those subject to EIA) averaged over a two year period.
15. As an alternative approach Government considered using the average processing time for determining applications for major development but felt this would not reflect the obligation to make decisions within the statutory time limits nor as effectively address the minority of applications that take considerably longer to determine. It would also require a new reporting regime.

The role of planning performance agreements (Q3 & 4)

16. The Government aims to focus on genuinely poor performance and avoid unfairly penalising authorities for delays that are beyond their control. The paper notes that some applications for major development need more time than the statutory period to decide, especially where complex issues arise. Government also acknowledges that some delays are at the instigation of the applicant.
17. The NPPF encourages the use of planning performance agreements (PPAs) whereby a bespoke timeframe is agreed between the LPA and the applicant in recognition that more time than the statutory period allows will be necessary to determine the application. PPAs are excluded from the statistics on the

proportion of decisions made within the statutory period. LPAs also have scope to extend the time needed to reach a decision beyond the statutory period and the Government considers it fair to treat these in the same way as PPAs for reporting purposes thereby excluding them from the assessment of time within which a LPA makes its planning decisions. It is proposed that written post-application agreements to extend determination periods to a specified date should in future be recorded as a form of PPA

18. Government also proposes a more proportionate approach regarding PPAs enabling them to be tailored to the size and complexity of schemes, whilst still establishing a defined timescale for determination.

Quality of decisions (Q5)

19. The Government proposes to use the appeal success rate for major development to indicate the 'quality' of decisions made by each LPA and argues that appeal decisions provide an indication of whether LPAs are making positive decisions that reflect policies in up-to-date plans (where relevant) and the NPPF.
20. It is proposed that appeal success rates should be assessed over a two year period and that the number of appeals lost each year needs to be related to the total volume of applications dealt with. As such the Government proposes that the quality indicator should be the proportion of all major decisions made that are overturned at appeal over a two year period. This does, of course, rather assume that decisions reached following appeal are the 'correct' ones.

Having the right information (Q6)

21. The suggested measures of speed and quality both rely upon the regular supply of accurate data to DCLG, namely decisions made within the statutory period and the total volume of major decisions made to enable the proportion overturned at appeal to be calculated.
22. Whilst such data is presently supplied, the Government considers there a risk that LPAs may withhold data for quarters in which performance has slipped. To discourage this, Government proposes that where data for a single quarter is absent, an estimate would be made from the average returns of available quarters. Where data for two or three quarters in a reporting year are absent, similar estimates would be made, but with a penalty applied in proportion to the amount of absent data. This is suggested as a 5% reduction per missing quarter for the speed of decisions and 1% per missing quarter for decisions overturned at appeal. LPAs failing to report data over a whole year would automatically be designated as very poor performing.

Setting the bar (Q7 & Q8)

23. Government intends to clearly set out what constitutes sufficiently poor performance for a LPA to be designated once the Growth and Infrastructure Bill becomes enacted. Accordingly it is proposed to use absolute thresholds below which LPAs would be designated, rather than a fixed percentage of the most poorly performing LPAs based on speed and quality. The thresholds to indicate

very poor performance are suggested as being where 30% or fewer applications have been determined within the statutory period **or** where more than 20% of major decisions have been overturned at appeal. Designation could be made in respect of either indicator.

24. Government also proposes 'raising the bar' for the speed of decisions after the first year to promote achievable incentive for further performance improvement and to reflect an anticipated increase in the use of PPAs for the more complex cases.

Making a designation (Q9)

25. Government proposes that designations would be made once a year and affected authorities would remain so designated for at least a year to provide certainty to developers and give sufficient time for authorities to improve. It is intended for a transparent designation process for affected LPAs to follow annual publication of statistics on processing speeds and appeal outcomes.
26. For the first year, prior to any designations being made, LPAs will be allowed to correct any gaps or errors in the existing data and to take account of cases subject to environmental impact assessment.
27. Once the Growth and Infrastructure Bill receives Royal assent, it is anticipated that the first designations would be made once the necessary secondary legislation is in place around October 2013. The timetable is:
 - April 2013: Response to consultation announced; criteria and initial thresholds for designation confirmed
 - July 2013: Performance data for 2012-13 (as well as 2011-12) available, indicating which authorities are liable for designation
 - Aug – Sep 2013: Opportunity to correct any data errors and account for applications subject to environmental impact assessment
 - Oct 2013: Secondary legislation in place and initial designations made.

Effects of designation (Q10 & Q11)

28. Where a LPA is designated on the basis of very poor performance, the Growth and Infrastructure Bill would give applicants the option of applying directly to the Secretary of State, although they may apply to the designated LPA.
29. The option of applying to the Secretary of State would be limited to applications for major development. Provision would be made for related applications (listed building and conservation area consent) to also be made to the Secretary of State.
30. The Secretary of State would be allowed to appoint persons to determine applications on his behalf and it is proposed that the Planning Inspectorate (PINS) would fulfil this role. The Secretary of State would also be able to 'recover' cases for his own determination.

31. The benefit of pre-application advice is recognised and those applying to the Secretary of State would be encouraged to seek such advice from PINS, the LPA or both. It is proposed that PINS would charge for such advice on a cost recovery basis. PINS would also receive the application fee which would be set at the same level as that payable to the LPA.
32. It is intended that the processing for determining applications submitted to PINS should, as far as possible, mirror that followed by LPAs and modifications to the Development Management Procedure Order are proposed.
33. However, the paper suggests that various administrative functions would best be carried out locally and accordingly it is proposed that LPAs would undertake the following tasks:
 - Site notices and neighbour notification
 - Provision of site planning history
 - Notification of any cumulative impact considerations, such as EIA, assessment under the Habitats Regulations or cumulative impact upon the highway network.
34. PINS would specify a timescale within which to complete such tasks. Whilst LPAs are considered to be best placed to undertake such tasks, comment is invited as to whether alternatives, such as a local agent, would be preferable.
35. The Bill allows the Secretary of State to determine procedures where applications are submitted directly to him. Government proposes to allow PINS to choose the most suitable procedure for individual . This could entail an abbreviated form of hearing or inquiry, or written representations, although the presumption is for applications to be generally examined by written representations with the option of a short hearing to allow key parties to present their points in person.
36. Government considers that discussions into any section 106 agreement would be best determined locally by the applicant and the LPA. In determining applications, PINS would take into account, as a material consideration, any planning obligation put forward by the applicant, or any agreement which the applicant has entered into, or is prepared to do so. The discharge of any planning conditions would remain the LPA's responsibility.
37. It is proposed to initially set a performance standard for PINS to determine 80% of cases within 13 weeks or 16 weeks where subject to EIA. This would be reviewed annually.
38. Once determined by the PINS, applicants would have no right of appeal other than by judicial review. This reflects the current position where applicants appeal against non-determination.

Supporting and assessing improvement (Q12)

39. Government proposes that any designation would last for at least a year, but subject to review during that period to enable such LPAs to have the designation lifted at the end of that year. Designated LPAs would be expected to take advantage of various opportunities for support to explore options for change and improvement.
40. Recognising that designated LPAs may not necessarily be dealing with a significant number of applications for major development, DCLG propose to assess improvement on a range of other considerations:
- Performance in determining all applications for which the LPA is responsible
 - Performance in undertaking administrative tasks associated with applications submitted directly to the Secretary of State
 - A review of steps taken by the LPA to improve and its capacity and ability to efficiently deal with major applications.

The planning guarantee (Q13)

41. The planning guarantee, announced in the Plan for Growth (March 2011) is simply that no application, major or otherwise, should take more than a year to decide, even where a planning appeal is involved. This does not replace the statutory time limits for determining applications but provides a 'longstop' date by which any proposals that take longer, or involve an appeal, should be determined.
42. In practice this means that applications should spend no more than 26 weeks with either the LPA or, in the case of appeals, PINS. The guarantee applies to the time a valid application spends with these decision makers and excludes the periods prior to submission and post issuing of any decision.
43. DCLG proposes to exclude the following cases from the scope of the planning guarantee:
- Applications subject to PPAs with their bespoke timetables
 - Appeals subject to agreed bespoke timetables for particularly complex cases
 - Appeals that relate to enforcement cases or which involve re-determinations following a successful judicial review.

Delivering the guarantee (Q14)

44. DCLG will report annually on performance against the planning guarantee. It is expected that the driver to determine applications for major development within the statutory period will help deliver the planning guarantee.
45. As an additional measure to assist in its delivery, however, it is proposed to amend secondary legislation to require a refund of the application fee by the

LPA or PINS where applications (other than the exceptions listed at para. 43 above) are undecided after 26 weeks.

46. It is recognised that there could be risk of applicants deliberately delaying a determination in order to secure a refund or of LPAs refusing applications to avoid the penalty. Such behaviour would be taken into account by an Inspector in considering whether to award costs in any subsequent appeal proceedings.

Conclusions for the County Council

47. Nottinghamshire County Council has a good record in terms of its planning performance. Whilst these proposals are intended to identify only the very poorly performing authorities, it is noted that circumstances may arise which present difficulties in determining certain applications in a timely fashion where, for example, further survey work is seasonally dependent.
48. The suggested responses to the consultation exercise cover such circumstances and members should note that the effect of these proposals may introduce a risk of determining certain future applications unfavourably which may otherwise be capable of being satisfactorily negotiated.

Other Options Considered

49. This report relates to a DCLG consultation paper and responses are invited in respect of specific consultation questions. Suggested responses to those questions have been set out at Appendix 1 although Committee may of course wish for alternative views to be expressed. As mentioned above, the views of the Council's Monitoring Officer are also sought.

Statutory and Policy Implications

50. 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

51. It is RECOMMENDED that the consultation be noted and that Committee endorse the suggested responses to the consultation questions as set out in Appendix 1, subject to any change as may be advised by the Monitoring Officer.

SALLY GILL

Group Manager Planning

Constitutional Comments

52 Planning and Licensing Committee has authority to note and endorse the matters set out in this report by virtue of its terms of reference. (NAB 7.12.12).

Comments of the Service Director - Finance

53.

Background Papers Available for Inspection

None.

Electoral Division(s) and Member(s) Affected

All.

Report Author/Case Officer

Jerry Smith

0115 9696509

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

CONSULTATION QUESTIONS AND SUGGESTED RESPONSES

Q1. Do you agree that LPA performance should be assessed on the basis of the speed and quality of decisions on planning applications?

Suggested Response: *In principle, speed and quality of decisions are considered reasonable indicators with which to assess LPA performance. It is considered wholly reasonable for the speed of decisions to be a valid measure, but this needs to be approached with some caution, particularly when used in respect of complex applications, such as certain minerals and waste developments. The Government's aim for applications such as these to be determined in no more than a year - including any appeal - appears highly ambitious in many cases. Whilst it is important that unnecessary delays in the planning system are eradicated, care must be taken to ensure that targets of speed are not met at the expense of sound decision-making. Difficulty arises in how quality is measured - an elusive beast to capture in relation to planning decisions - and it is important for any measure of quality to be meaningful without being onerous to record. The quality of decisions on planning applications is rightly identified as a key measure and greater weight should be afforded to it as the principal indicator. Ultimately what is important is making the right decision for the right development in the right location – the impact of planning decisions, good and bad, are felt in communities long after recording whether or not the decision was made within prescribed determination period.*

Q2. Do you agree that speed should be assessed on the extent to which applications for major development are determined within the statutory time limits, over a two year period?

Suggested Response: *Government's recognition that the number of applications for major development received by LPAs can fluctuate widely is welcomed. Accordingly the proposal to assess the speed of decisions over a two year period would appear a more reasonable means of ironing out such variances. Caution is however urged. Applications for major development will invariably be matters reported to Planning Committees and, therefore, the ability of LPAs to meet statutory time limits will be influenced by Committee 'lead-in' periods, summer recesses, and, in the case of 'departures', through referral to the National Planning Casework Unit. Applications for major developments are also more likely to involve the completion of legal agreements. All of these examples will extend the time before a planning decision can be issued and are integral elements of the planning application process. It would be wrong for planning authorities to be judged so strictly against determination periods when the above factors lie largely outside of their control. Whilst LPAs will continue to ensure that submitted applications accord with their Validation Checklists, it is often not until consultation responses are received from technical specialists weeks into the process that the need for additional information is identified, invariably necessitating further publicity and consultation and adding to the determination period. There is a risk that LPAs may be tempted to recommend refusal in such instances on grounds of insufficient information so as to avoid risk of becoming a designated authority, notwithstanding that a satisfactory solution could be negotiated.*

Q3. Do you agree that extensions to timescales, made with the written consent of the applicant following submission, should be treated as a form of planning performance agreement (and therefore excluded from the data on which performance will be assessed)?

Suggested Response: *Given it is the Government's proposed intention to assess performance by singling out very poorly performing LPAs, it would appear logical for those applications where written confirmation between the LPA and the applicant has been agreed for an extension of time beyond the statutory time period to be excluded from the collected data as a form of planning performance agreement.*

Q4. Do you agree that there is scope for a more proportionate approach to the form and content of planning performance agreements?

Suggested Response: *In instances where a LPA considers it expedient to enter into a planning performance agreement, it would appear sensible for a proportionate approach to be adopted in terms of its form and content appropriate to the case in question.*

Q5. Do you agree that quality should be assessed on the proportion of major decisions that are overturned at appeal, over a two year period?

Suggested Response: *Whilst this may have some merit at district level, where the volume of planning applications dealt with are significantly greater, at County level the number of appeals even over a two year period are generally small. For this particular Authority only one planning appeal was heard over a two year period which can result in meaningless figures. Measuring quality in planning decisions has long been considered difficult to capture, particularly in ways whereby additional burdens are not placed upon LPAs already struggling with reduced resources. Whilst the proportion of major decisions overturned at appeal may be a useful indicator, concerns are raised given the potential for significant swings arising from the low number of appeals dealt with at County level even over the suggested two year period. It is also considered rather simplistic since the assumption is that where LPA decisions are overturned at appeal, the quality of the original LPA decision must have been poor. The consultation paper rightly recognises that appeal decisions can turn on small differences of view, interpretation of key policies or the weight afforded to material considerations. Notwithstanding low numbers involved (at least at County level), no recognition appears to be given to instances where decisions overturned at appeal may be quashed on legal challenge. Furthermore, examples do exist of somewhat bizarre appeal decisions which, whilst highly challengeable, the LPA may not have the resources to pursue further.*

Q6. Do you agree with the proposed approach to ensuring that sufficient information is available to implement the policy?

Suggested Response: *Clearly if assessment of performance is to be undertaken in line with the proposals, it will necessitate regular supply of accurate data. It would appear reasonable to penalise those authorities which fail to submit data notwithstanding the detailed concerns identified in response to earlier questions.*

Q7. Do you agree that the threshold for designations should be set initially at 30% or fewer major decisions made on time or more than 20% of major decisions overturned at appeal?

Suggested Response: *It is considered that the threshold for the percentage of decisions on major developments made on time should be aspirational yet achievable. Subject to the issues highlighted in response to speed made in response to earlier questions, the proposed benchmark appear reasonable. However, given the impact of these proposals is likely to result in a rise in the number of planning performance agreements, coupled with the Government's intention to have regard to data supplied prior to the introduction of such proposals, it is suggested that it may be fairer to LPAs to provide for a phasing approach working up to the proposed threshold. The threshold of 20% of major decisions overturned at appeal appears in principle to be broadly reasonable although concern is reiterated in that Counties tend to deal with a limited number of appeals and consequently are at risk of high percentage swings even when assessed over a two year period.*

Q8. Do you agree that the threshold for designation on the basis of processing speeds should be raised over time? And, if so, by how much should they increase after the first year?

Suggested Response: *The threshold for designation on the basis of processing speeds should be raised over time (reflecting the increased use of planning performance agreements anticipated by Government) but it is considered that it should move progressively up to the suggested initial threshold to allow for the fact that account will be taken for existing live applications which LPAs are likely to have approached differently in light of these proposals. Incremental increases from 20% to 25% to the proposed 30% is considered reasonable. This would also allow a sufficient period to review the working of the system and further increases could be considered accordingly.*

Q9. Do you agree that designations should be made once a year, solely on the basis of the published statistics, as a way to ensure fairness and transparency?

Suggested Response: *Whilst making annual designations solely on the basis of the published statistics would be transparent, attention is drawn to the concerns highlighted in response to earlier questions such as matters affecting determination periods which lie outside the control of the planning authority and the significant percentage swings arising from the low numbers of appeals generally entertained at the County tier. It is suggested that care needs to be taken in how designated authorities may be branded. For example if a County is involved in just two appeals over the two year accounting period one of which results in an overturn of its decision (seemingly regardless of the merits of that appeal ruling), it will become a designated authority given a 50% overturn of appeals which appear somewhat farcical. Furthermore, this scenario may arise despite that authority having very good performance in dealing with other applications not assessed for the performance purposes. Concern is raised that this is likely to have a damaging impact on the reputation of an authority.*

Q10. Do you agree that the option to apply directly to the Secretary of State should be limited to applications for major development?

Suggested Response: *Providing the option for applicants to apply to the Secretary of State directly conflicts with the aims of Localism and removes local accountability from the decision making process. Whilst the aim of providing applicants with an alternative, more efficient route where the planning performance of an authority is demonstrably and consistently very poor (as opposed to the example cited in response to Q9), may be noble, it is difficult to see how the planning process is simplified by this in practice. It is considered far more preferable for direct support to be instead be provided to those authorities where performance is demonstrably and consistently very poor. Extending the option to apply to the Secretary of State for other non-major applications appears an even less efficient practice and further removes the ability for development proposals to be locally determined.*

Q11. Do you agree with the proposed approaches to pre-application engagement and the determination of applications submitted directly to the Secretary of State?

Suggested Response: *The benefit of seeking pre-application advice is rightly highlighted. Concern is, however, raised regarding the proposed arrangements for seeking pre-application advice in respect of schemes to be submitted to the Secretary of State. The proposals would allow developers to seek pre-application from either the designated authority, the Planning Inspectorate or both. Staff at the Planning Inspectorate will not possess local knowledge of sites, history and issues. This runs the risk of matters not being addressed within subsequent applications. In cases where a developer seeks pre-application advice from both the authority and the Planning Inspectorate, there is a risk of conflicting advice and a question over which should take precedent. Regarding fees, it is proposed that they would be payable to the Planning Inspectorate, yet the designated authority would be expected to undertake significant elements of the process (site notices, neighbour notification, consideration of cumulative impact, s106 negotiations). This would be done at cost to the designated authorities and direct scarce resources away from precisely those authorities in most need of such resources to improve. It is also ironic to note that, not long ago, the Government was expressing its view that planning fees did not cover the costs of processing applications - it now appears to be suggesting that very poor performing authorities can undertake significant elements of the planning process without any fee income for certain types of applications. The proposed determination process appears overly complicated potentially necessitating 'an abbreviated form of hearing or inquiry'. It is difficult to see how this approach would contribute to the Government's aim of simplifying the planning process. Even where applications could be determined by written representations, an additional period of time would presumably need to be built in at the end of the process to enable all parties the opportunity to cover all relevant issues arising from the consultation exercise. It is difficult to see how such a system would deliver speedier decisions, leaving aside concerns that decisions affecting local communities were being taken remotely. Finally, there would be an inherent problem of a designated authority being responsible for discharging conditions imposed by another body acting on behalf of the Secretary of State as it may not be clear as to why a particular condition has been imposed.*

Q12. Do you agree with the proposed approach to supporting and assessing improvement in designated authorities? Are there specific criteria or thresholds that you would propose?

Suggested Response: Access to a range of support for very poor performing authorities would be beneficial and, it is felt that extending such support should be the approach rather than providing the option to apply to the Secretary of State. If such an option is to proceed, however, it is right to recognise that designated authorities may not deal with many applications for major development and there is considered to be merit in assessing improvement against other factors. Nevertheless, it is questioned whether there is value in some of the proposed factors. For example, a very poor performing authority may efficiently carry out its administrative tasks associated with applications submitted directly to the Secretary of State, but does this demonstrate improved ability such that the designation can be removed?

Q13. Do you agree with the proposed scope of the planning guarantee?

Suggested Response: The Government's aim of tackling unnecessary delay is supported. Generally there should be scope for applications for major development to be determined within the year as proposed by the planning guarantee. However, experience suggests that, despite best intentions, this will not be possible in all cases. As an example, consider an application submitted in May giving rise to objections from statutory ecological bodies over the adequacy of information. Whilst the backstop date would be May the following year, the applicant may be prevented from being able to undertake further survey work until that time and the authority would still need to undertake appropriate consultation in respect of the further information. It is not unusual for applications for major development to be subject of multiple revisions during the determination process. There needs to be recognition of factors such as these within the planning guarantee. This authority, when handling major applications for opencast coal sites, has, in response to public demand, allowed extended periods for public consultation. This accords with the Government's agenda for greater engagement in the planning process. Even where this is resisted, it may still be appropriate to allow some extra time where the publicity timeframe falls over say the Christmas period. The effect of the proposals is that, in future, such flexibility to affected communities may not be so forthcoming and require members of the public to grapple with extensive technical documentation within the statutory consultation period. As a County Council dealing with applications for major minerals and waste proposals, it is evident that such operators generally recognise and accept that proposals for quarry extensions or major waste facilities are unlikely to be determined within the statutory period and accordingly that is an established feature in their business planning when developing replacement sites. Such operators do not tend, therefore, to object to such extensions of time recognising the benefits of community engagement. It is considered that the planning guarantee also needs to recognise this, particularly in relation to contentious minerals and waste proposals. Any belief that such cases will take no longer than a year to determine - including any appeal - appear misguided as any review of such appealed decisions will surely testify.

Q14. Do you agree that the planning application fee should be refunded if no decision has been made within 26 weeks?

Suggested Response: No. The response provided to Question 13 gives an example of when an application may not be determined within 26 weeks through no fault of the planning authority. It would be unfair for the fee to be refunded in such circumstances. The alternative is that authorities may be tempted to issue refusals just prior to the 26 week date and, whilst that may not be the Government's intention, it could become the

reality to avoid the loss of revenue. It is difficult to see how that would be in the interests of the developer, particularly if amendments to a scheme are capable of making it acceptable. Authorities have already been hit hard by reductions in resources and services would be further impacted by loss of revenue. In the recent past Government has expressed its view that fees did not cover the costs of processing applications. It now appears content for applications to be processed at total cost to the tax payer and free to those who stand to most benefit from any permission granted. The consultation paper recognises the risks that applicants may delay determination to secure a refund or that, authorities may refuse applications to avoid the penalty. It suggests that such behaviour would be taken into account by Inspectors in considering whether to award costs in any subsequent appeal. This scenario would have no bearing, however, in instances where an authority wishes to grant permission for an application, but is delayed from doing so by an applicant protracting over the submission of some additional required detail. In such cases, these delaying tactics would not come before an Inspector.



18th December 2012

Agenda Item: 7

REPORT OF GROUP MANAGER PLANNING

REVIEW OF NCC'S STATEMENT OF COMMUNITY INVOLVEMENT

Purpose of Report

1. To advise Committee of work underway to review the County Council's Statement of Community Involvement. The recommendation is for the report to be noted.

Background

2. The County adopted its Statement of Community Involvement (SCI) in January 2007 following the relevant statutory process. This public document sets out the County Council's approach to the public consultation and engagement it undertakes in connection with its preparation of Minerals and Waste development plans and in the determination of planning applications.
3. A full review of the SCI was always envisaged, however the need for such a review has been prompted following significant changes in national legislation and planning guidance, progress on the Minerals and Waste development plan documents, as well as local factors such as the County Council restructuring and its increased emphasis on the delivery of cost effectiveness.
4. In terms of changes to the Development Management process, Members will be aware that both the Localism Act 2011 and the National Planning Policy Framework issued in March 2012 place renewed emphasis on early engagement between developers and local planning authorities and consultation with local communities by developers in advance of submitting applications for certain developments.
5. In relation to the County Council's plan making responsibilities, the opportunity has been taken to review the SCI so as to ensure it accords with the latest plan-making guidance and terminology.
6. There is also extensive scope to make increased use of more cost effective means of communication in respect of carrying out the Authority's planning functions, particularly electronic communication and social media, although there remains an intention to make hardcopies available for those who do not have internet access.

7. It is also considered that by making changes such as these, the SCI will become of far greater relevance and use to the public in understanding how the County Council intends to engage with them.

Progress

8. In view of the need to review the SCI a report was considered by Environment and Sustainability Committee on 29 November 2012. That report highlighted various suggested changes to the current SCI and sought approval to undertake a targeted six week consultation exercise on the suggested changes. Environment and Sustainability Committee agreed to the public consultation exercise on the proposed changes. It is anticipated that the consultation exercise will commence early in the New Year for a six week period.
9. Environment and Sustainability Committee also resolved that, following the consideration of any responses to the consultation exercise, a further report be taken to Full Council seeking approval of the revised SCI. Following approval by Council, the updated SCI will replace the original version and become Council policy. It is intended that this Committee be informed as to the outcome of that process given its close links to the content and use of the document.
10. Members are advised that the proposed changes to the SCI can be viewed at the following link (agenda item 4 of the papers to Environment and Sustainability Committee):
<http://www.nottinghamshire.gov.uk/dms/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/78/Committee/16/SelectedTab/Documents/Default.aspx>
11. The suggested changes are highlighted in italics and bold for ease of reference.

Other Options Considered

12. It was initially considered that a less formal 'light touch' review of the SCI would be undertaken to expedite the process. However, given the scale and range of the changes that have prompted the update, a full review is considered to be the most appropriate way forward.

Statutory and Policy Implications

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

Implications for Service Users

14. It is considered that the proposed changes to the SCI will assist users of the document by containing more current and accurate information. Some of the proposed improvements set out within the updated SCI will improve the accessibility of information and will result in a more cost effective means of communication.

RECOMMENDATIONS

15. It is RECOMMENDED that the report be noted.

SALLY GILL

Group Manager Planning

Constitutional Comments

16. The Planning and Licensing Committee has authority to consider the matters set out in this report by virtue of its terms of reference. (NAB 6.12.12)

Financial Comments (DJK 05.12.12)

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

Background Papers Available for Inspection

None.

Electoral Division(s) and Member(s) Affected

All.

Report Author/Case Officer
Jerry Smith
0115 9696509

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

W001041.doc – DLGS REFERENCE
PSP.JS/PAB/EP5356 – COMMITTEE REPORT FOLDER REFERENCE
6 December 2012 – Date Report Completed by WP Operators

18 December 2012**Agenda Item****REPORT OF GROUP MANAGER PLANNING
DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of this Report**

1. To report on planning applications received in the Department between 08 and November 30 November 2012 to confirm the decisions made on planning applications since the last report to Members on 20 November 2012.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B is the schedule of action.
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.

SALLY GILL**Group Manager (Planning)**

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 – 03/12/2012]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [DJK – 03/12/2012]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

Report Author/Case Officer

Ruth Kinsey

0115 9696513

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

5/12/2012

EP5355

– Date Report Completed by WP Operators

For any enquiries about this report please contact:

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Planning Applications Received and Determined
From 08 November 2012 to 30 November 2012

Division	Member	Received	Determined
BASSETLAW			
Worksop East	Cllr Glynn Gilfoyle	Two classroom extensions, cloak room extension and staffroom extension, Sir Edmund Hillary Primary and Nursery School, Kingsway, Kilton, Worksop. Received 09/11/2012	
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. Received 13/11/2012	
Misterton	Cllr Liz Yates		Variation of conditions 3,5,21,22 and 37 of planning permission 1/29/06/00018 in respect of proposed amendments to the restoration scheme, Daneshill landfill Site, Daneshill Road, Lound. Granted 23/11/2012

Division	Member	Received	Determined
Misterton	Cllr Liz Yates	Erection of 1.8m high green Heras Pallas fence along boundary with The Chapel. Erection of 1.8m high green Heras Pallas fence and single gate along 4metres of boundary with Top Street. To install path 60 linear metres by 1.2 metres. Misson Primary School, Dame Lane, Misson. Received 28/11/2012	
Retford West	Cllr Mike Quigley	To extend the life of planning permission1/01/09/00147 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. Received 29/11/2012	
MANSFIELD			
Mansfield South	Cllr Stephen Garner Cllr Chris Winterton	Two new single storey modular classroom extensions to the existing foundation unit and KS2 block with associated drainage and external works, Sutton Road Primary School, Moor Lane, Mansfield. Received 16/11/2012	
Mansfield East	Cllr Bob Cross Cllr Martin Wright		To remove the existing District Heating system and supply a new container boiler house to provide heating for the School, Oak Tree Primary School, Jubilee Way North, Mansfield. Withdrawn 20/11/2012

Division	Member	Received	Determined
Mansfield South	Cllr Stephen Garner Cllr Chris Winterton	A new stand alone single storey 2 classroom foundation unit which will be located next to the nursery building, Berry Hill Primary & Nursery School, Black Scotch Lane, Mansfield. Received 22/11/2012	
NEWARK & SHERWOOD			
Newark West	Cllr Keith Girling	Retention of mobile extended learning community facility, Bowbridge Primary School, Bailey Road, Newark. Received 16/11/2012	
Balderton	Cllr Keith Walker	Application to retain existing temporary classroom known as building 6, Chuter Ede Primary School, Wolfit Avenue, Balderton. Received 19/11/2012	
Balderton	Cllr Keith Walker		FE Monitoring Cabinet, Balderton Sewage Treatment Works, Lowefield Lane, Balderton. Granted 21/11/2011
Farndon & Muskham	Cllr Mrs Sue Saddington		FE Monitoring Cabinet, Farndon Sewage Treatment Works, Hawton Lane, Balderton. Granted 23/11/2012

Division	Member	Received	Determined
Rufford	Cllr John Peck		Alterations to Rufford Orangery yard to cover plunge pool, provide fixings and associated bases for a partial temporary cover. Change (additional) use as wedding venue. Removal of marquee bases near car park. Temporary marquee fixings and associated bases including moving a path near the Savile Restaurant, Rufford Orangery, Rufford Country Park, Ollerton. Refused 23/11/2012 (Committee)
Newark West	Cllr Keith Girling	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. Tourist Information Centre, The Gilstrap Centre, Castle Gate, Newark. Received 30/11/2012	
ASHFIELD			
Sutton in Ashfield North	Cllr Jason Zadrozny		Retrospective application to retain a Booster unit. Kings Mill Energy Park, Kings Mill Hospital, Kings Mill Road East, Sutton in Ashfield. Granted 12/11/2012

Division	Member	Received	Determined
Sutton in Ashfield East	Cllr Steve Carroll	Erection of stand alone 4 classroom building and single classroom extension to existing school. Remodelling of the existing car park and removal of existing temporary classrooms Croft Primary School, Station Road, Sutton in Ashfield. Received 14/11/2012	
Hucknall	Cllr Rev Tom Irvine Cllr Mick Murphy Cllr Kevin Rostance	Single storey stand alone classroom and the erection 2.4m high security fencing to school boundary, Leen Mills Primary School, Leen Mills Lane, Hucknall. Received 05/11/2012	
BROXTOWE			
Beauvale	Cllr David Taylor		Temporary storage and washing of media on field adjacent to sewage treatment works with associated development, Newthorpe Sewage Works, Hall Lane, Newthorpe. Granted 20/11/2012 (Committee)
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings, Shilo Park, Shilo Way, Cossall. Received 21/11/2012	

Division	Member	Received	Determined
GEDLING			
Carlton East	Cllr Allen Clarke Cllr John Clarke		Application for 24hr operation (Monday to Saturday) and Sunday Days (0600 - 1800 only) of internal waste processing on units 1 and 2; consolidation of all existing planning permissions. Wastecycle, Enviro Building, Private Road 4, Colwick Industrial Estate, Colwick. Granted 09/11/2012
Calverton	Cllr Mark Spencer	A new stand alone single story 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. Received 14/11/2012	
Arnold South	Cllr Rod Kempster Cllr Mel Shepherd	Two classroom extension, Ernehale Infants School, Derwent Crescent, Gedling Road, Arnold. Received 15/11/2012	
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. Received 20/11/2012	
Arnold North	Cllr Ged Clarke Cllr Carol Pepper	Construction of 2 new classrooms, connecting link, external play space, perimeter fence (1m high) to play space, footpath and associated groundworks, Arnold Mill Primary School, Cross Street, Arnold. Received 23/11/2012	
RUSHCLIFFE			
Keyworth	Cllr John Cottee		FE monitoring cabinet, Kinoulton Sewage Treatment Works, Off Hickling Road, Kinoulton. Granted 09/11/2012

Division	Member	Received	Determined
Cotgrave Radcliffe on Trent	Cllr Richard Butler Cllr Mrs Kay Cutts	Construction of multi-user route along former mineral railway line with access ramps at Holme Lane, A52 and Straggelthorpe Road crossings. Demolition of overbridge at Holme Lane, The former mineral railway line which links Cotgrave Country Park and Holme Pierrepont. Received 21/11/2012	
Soar Valley	Cllr Lynn Sykes	Retention of existing temporary classroom, Sutton Bonington Primary School, Park Lane, Sutton Bonington. Received 26/11/2012	
Bingham	Cllr Martin Suthers		Install total of 914m2 of new tarmac to areas where the tarmac surface has deteriorated and has become a health and safety issue. Toot Hill Comprehensive School, The Banks, Bingham. Granted 06/09/2012
West Bridgford West	Cllr Gordon Wheeler		Alterations to south elevation of day care centre, including erection of roof-top plant enclosure, and associated landscape works following demolition of attached office building, Nottinghamshire County Council, West Bridgford House, Loughborough Road, West Bridgford. Granted 15/10/2012
Cotgrave	Cllr Richard Butler		Construction of a new building to house a generator associated with a metal shredding and recycling plant, B Allsop & Sons Limited, Langar Industrial Estate North, Harby Road, Langar. Granted 18/10/2012 (Committee)

Division	Member	Received	Determined
Cotgrave	Cllr Richard Butler		Proposed installation of a metal shredding and recycling system at the existing metal recycling facility, Langar Industrial Estate North, Harby Road, Langar. Granted 18/10/2012 (Committee)
Radcliffe on Trent	Cllr Mrs Kay Cutts		Retention of two existing temporary classrooms, Flintham Primary School, Inholms Road, Flintham. Granted 02/11/2012

Schedule of action required by Committee

Date of Committee Resolution	Proposal	Action required	Date for future report	Current status

Items of interest relevant to Planning and Licensing Committee

1. Planning Fees

As noted at the Committee meeting of 20 November 2012, Members are advised that the Government recent announcement for an increase in the nationally set schedule of fees for planning applications came into effect as from 22 November 2012. The rise, which represents a 15% uplift in application fees, is based on an increase in line with inflation since 2008 when nationally set fees were last adjusted.

Members will be aware that the County Council, along with many other authorities, had earlier participated in national bench-marking exercises with a view to preparing for proposals being considered by Government at that time for authorities being allowed to set their own fees for planning applications. Whilst the Government has not totally shelved future plans for fees to be locally set, such proposals do not appear to be resurrected in the foreseeable future given the recent national uplift.

2. Positive and Proactive Statements

Members are advised that, in accordance with a letter sent by the Chief Planning Officer, local planning authorities are, with effect from 1 December 2012, now required to include a statement on all decisions saying how they have worked with applicants in a positive and proactive way with applicants. Now, in preparing Committee (and delegated) reports, therefore, an additional section has been inserted entitled '*Statement of Positive and Proactive Engagement*' which will summarise the main ways in which the County Council has worked proactively with applicants to secure development that improves economic, social and environmental conditions of an area in line with the requirements of the National Planning Policy Framework.

In practice Officers strive to deal with development proposals in such a manner, both in providing pre-application advice and through a range of means during the processing of submitted applications. This latest requirement therefore simply stipulates that such steps are included on decisions.

18 December 2012**Agenda Item:****REPORT OF GROUP MANAGER, PLANNING
WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2012/13.

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.

Sally Gill
Group Manager, Planning

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>
January 2013	8/12/01096/FUL	St Augustine's Junior School, Longfellow Drive, Worsop.	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).
January 2013	4/2010/0178	Land at Two Oaks Farm, Derby Road, Mansfield	The extraction and processing of silica sand, including the provision of a new site access road, landscaping and screening bunds. Sand and soil processing plants and other associated infrastructure. Restoration to agriculture and nature conservation. Quarry offices, quarry processing plant, sand drying, sand bagging plant and quarry lagoons
January 2013	3/12/00852/CMA	Kilvington Quarry, Kilvington	Variation of condition 51 of planning permission 3/05/02813/CMA to amend restoration plan
February 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.
February 2013	8/12/01028/CMA	Johnsons Aggregates, Loughborough Road, Bunny.	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.
February 2013	3/12/01370/FUL	Disused mineral line, Eakring	Construction of a two metre wide surfaced path along the

		Road, Bilsthorpe.	disused mineral railway line - to improve off road links to existing and future proposed routes/green open space. Pedestrian access off Eakring Road in Bilsthorpe 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 Bilsthorpe (period of approximately three years).
February 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
February 2013	3/12/01618/CMA	Bishop Alexander Primary & Nursery School, Wolsey Road, Newark	Install 266m of 2.4m high twin weld mesh security fencing to perimeter of the school field. Fencing to have green powder coated finish and will match existing security fencing on site.
March 2013	3/12/01446/FULR3N	The Big House, Church Street, Edwinstowe, Mansfield	Proposed two-storey building to provide a Children's Respite Home to the rear and within the current site of Edwinstowe Hall (The Big House), together with associated landscape works, new vehicular access, demolition of an existing CLASP building within the grounds, and reinstatement of the conservatory to Edwinstowe House.
March 2013	Application not yet submitted.	Hucknall Town Centre	Construction of new relief road

Other Key Applications/Submissions in system but not timetabled to be reported to committee before March 2013 at the very earliest:-

Reference	Location	Brief Description
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.

