

Meeting PLANNING AND RIGHTS OF WAY COMMITTEE

Date Tuesday 29 June 2021 (commencing at 10.30am)

Membership

Persons absent are marked with 'A'

COUNCILLORS

Richard Butler (Chair)
Sybil Fielding (Vice-Chair)

Andre Camilleri	John Ogle
Robert Corden	Philip Owen
Jim Creamer	Tom Smith
Paul Henshaw	Roger Upton
Andy Meakin	Daniel Williamson - A
Nigel Moxon - A	

SUBSTITUTE MEMBERS

Chris Barnfather for Nigel Moxon
Dave Shaw for Daniel Williamson

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Sally Gill – Place Department
Mike Hankin – Place Department
Rebecca Kirkland – Place Department
David Marsh – Place Department
Jonathan Smith – Place Department

1. APOLOGIES OF ABSENCE

Apologies for absence were received from Councillor Moxon and Councillor Williamson

2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Owen declared an interest in Items 5 and 6, the Erection of Primary Schools and Nurseries in East Leake and Bingham, as the former Chair of the Children and Young People’s Committee, which did not preclude him from speaking or voting on those items.

3. DECLARATIONS OF LOBBYING

There were no declarations of lobbying.

The Committee agreed that the order of items be changed, in order to best accommodate the speakers present.

4. ERECTION OF PRIMARY SCHOOL AND NURSERY, EAST LEAKE

Mr Marsh introduced the report which considered an outline planning application for the erection of a primary school for up to two-forms of entry and a 26-place nursery on land to the north of Rempstone Road, East Leake. Mr Marsh informed members that the key issues of the outline application related to the principle of the development and the traffic/travel related impacts of the proposed points of access.

Mr Marsh informed Committee that a late representation had been submitted by Councillor Thomas of Rushcliffe Borough Council as Ward Member and on behalf of the Parish Council through County Councillor Barney, which re-stated the element of the reported representation received from Rushcliffe Borough Council and related to:

- the provision of a dedicated pick-up/drop off zone outside the school
- provision of additional parking in a reserved matters application
- provision of a parent assembly area outside the school gate
- provision of school zig-zag marking on the private drive to plots 266-273;
- emergency access to the school playing field

Mr Marsh stated that the points raised had been covered in the report with the exception of the final point and Mr Marsh informed members that the school will require access to the field for maintenance which could equally serve as an emergency field access, but that this would be a matter to be considered in the detailed design.

The following point of clarification was then addressed:

- The loop road off Rempstone Road will be for two way traffic once the development is complete.

Following Mr Marsh's introduction, Mr Asaad Raouf from the Arc Partnership was then given the opportunity to speak and a **summary** of that speech is set out below:

- We have worked with the Council officers and stakeholders to ensure the application captures and reflects both the need to provide school places and the concepts and principles of those items identified as part of the outline planning application.
- The development site provides an ideal opportunity to design a school which integrates with, and is sympathetic to, the surrounding environment – and can

help demonstrate the importance of the site's biodiversity, support of wildlife, transition from mature copse to trim trails and play areas, and once designed, help to deliver a comprehensive and well-rounded project.

- Notwithstanding the requirements already outlined in the report, including those of scale and fenestration, the site provides an opportunity also to create a sense of place and ownership as part of the wider development and community.
- Sustainable travel, pedestrian and cycle connectivity are of course key elements – and through school travel plans can help educate and encourage a modal shift in the future, and reduce traffic in the long term, along with associated health and well-being benefits.
- We look forward to seeking your support and help to make the project a success, delivering much needed school places as well as meeting wider environmental and sustainable objectives.

Councillor Matt Barney as the local member was then given the opportunity to speak and a **summary** of that speech is set out below:

- As the ward member for Leake and Ruddington I wholeheartedly express my support for this planning application.
- The village of East Leake has undergone radical change in recent years due to the number of new dwellings built. Indeed, housing numbers have increased to the extent that the population of East Leake is now more akin to that of a small town. With each wave of new development the local community have protested what they have perceived as yet more, unfair, housing allocations. The Parish Council, elected representatives and residents have fought hard for enhanced facilities and infrastructure to keep up with the growing demands. But all too often, while East Leake has embraced and welcomed new residents with neighbourly grace, the community infrastructure has been stretched far beyond what is reasonable.
- Now I realise that there have been some objections made against this planning application from local residents. I want to be respectful to those. However, for the most part, they are from residents whom themselves have benefited from new housing. They now live adjacent to the proposed new school site. Whilst I appreciate their concerns, the proposed location of this new school site has been tabled since 2015. 6years on here we are – the housing has for the most part been built, but the now desperately needed new Primary School has not. Dwellings that were granted planning permission in the same application that referenced this proposed school site are now built and occupied, but the school is not.
- My predecessor at the County Council, Andy Brown, supported this school. The Parish Council, the Borough Council and the Borough Councillors have all supported it. Indeed, they have made very constructive comments that have influenced the officer's report before us today. These measures include recommendations to mitigate the concerns of residents on the Persimmon Estate, particularly those who reside closest to the school on Sheep Wash

Way. I fully support these recommendations which include the proposal for double yellow lines to prevent problem parking at the hammerhead turning point of Sheepwash Way.

- So Committee, I plead with you, please grant planning permission, enable NCC to take title of this land and let's give our County Council what it needs to get this fabulous, and much needed primary school built – not in the next 6 years but in the next few months.

Following the speeches and Mr Marsh's introductory remarks Members debated the item and the following comments and questions were responded to: -

- Members expressed their disappointment at the lack of a pick-up/drop off point, especially given the fact that this is a new site that is yet to be developed. Officers informed Committee that NCC has no say in the site given them and that any development needs to take account of the applications approved by other local authorities.
- The reference to 12 on-street parking spaces is to the amount of suitable space available on the highway, not for staff parking. The recommendation is for a minimum of 22 spaces to be provided on site for staff parking during the first phase, rising to a minimum of 32 when the development is complete. These figures are a minimum – the applicant may decide to provide more parking spaces than this.
- The housing development on Sheepwash Way was refused by Rushcliffe Borough Council but allowed on appeal. The available parking and the inclusion of a path to the school will attract traffic to Sheepwash Way.
- The details of the School Travel Plan quoted in paragraph 31 of the report were provided by the applicant and not NCC's officers.
- The parking situation will be monitored and any future need for more control measures such as yellow lines and 'H' bars will be included in a Traffic Regulation Order (TRO) following consultation.
- Plan 3 included with the report is schematic. In reality, any road layout will align with accepted highway geometry.
- Officers are aware that the housing development includes a private drive adjacent to the school and zig zag road markings may be extended along this access, though as it is a private drive this could not be subject to a TRO. However, officers will take account of the proximity of the drive to the school when drawing up the TRO.
- The provision of charging points and photo voltaics is not for this Committee to decide at present, though reference has been made in the Conditions and the topic may be included when full planning permission is sought.

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

RESOLVED 2021/005

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

5. ERECTION OF PRIMARY SCHOOL AND NURSERY, BINGHAM

Mr Marsh introduced the report which considered a planning application for the erection of a 315 place primary school in two phases, including a 26 place nursery. Mr Marsh informed Committee that the key issues related to access to the site, traffic impacts and potential noise issues that may arise from the use of outdoor spaces.

Following Mr Marsh's introduction, Mr Asaad Raouf from the Arc Partnership was then given the opportunity to speak and a **summary** of that speech is set out below:

- We have worked with Council officers and stakeholders to design and ensure the application accurately captures and reflects both the provision of school places as well as the Council's wider aspirations for sustainable and environmentally conscious development.
- In designing Bingham school we have looked at balancing and assessing the capital costs of materials against longer term value with the need for robust, long-lasting specifications of products with low or zero maintenance, with the aim of lowering revenue, operating and maintenance costs.
- Consideration of energy conservation including: ensuring high insulation levels, air tightness and well considered details to minimise thermal bridging.
- Use of good natural lighting, sensor controlled LED lighting, EV charging, mechanical ventilation and heat recovery in winter as well as natural ventilation. Summer comfort achieved through passive cooling with high spec glass, landscape screening and shading as well as natural ventilation. Creating the right comfortable internal environment are of course all conducive to learning.
- Regarding low carbon solutions – Bingham Primary School will help set an example for a fully electric building which will form part of the Council's contribution to the journey towards a zero carbon future once the grid is eventually de-carbonised.
- As someone wise once said; 'we shape our buildings and thereafter, they shape us'. What better example to show our younger generation our commitment to their, and the planet's future.

- Sustainable travel and pedestrian and cycle connectivity is key – and through school travel plans can help educate and encourage more environmentally - friendly ways to travel and reduce traffic in the long term, along with associated health and well-being benefits.
- The importance of the site's biodiversity, support of wildlife, transition from mature copse to trim trails and play areas, will also help to deliver a comprehensive and well-rounded project.
- Education is a key part and can play a role in all aspects of the project from showing youngsters how technology is used as part of the design process, the on-site activities of how buildings are constructed and put together, understanding of waste recycle – as well as considerations for dismantling and re-use.
- We look forward to seeking your support and help to make the project a success, delivering much needed school places as well as meeting wider environmental and sustainable objectives.

Members then debated the item and the following comments and questions were responded to: -

- As with the previous report, members expressed their frustration and disappointment that the issue of problem parking round schools had again not been addressed.
- This application allows for on-site parking for staff and visitors.
- There is a private retail site near the proposed school with parking available.
- Plan 10 identifies the future highway where significant on-street parking will be available without causing any amenity problems.
- The provision of 'H' bars can be included in a TRO, but they will not be enforceable.
- The widths of the new roads differ in the reports (Bingham – 6m, East Leake – 6.75m) as the guidance was taken from different Highway Design Guides, though in both cases the current edition was consulted.
- Members again expressed their scepticism about the effectiveness of School Travel Plans and officers informed committee that Government encourages their use and that it was important to aim to reduce traffic round schools. As detailed in the Conditions, all Plans are reviewed regularly.
- Officers from the Highways Development Control Team will attend a future meeting of the Committee to explain what can be specified and what cannot.

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

RESOLVED 2021/006

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

6. RESTORATION OF SPOIL TIP, HARWORTH COLLIERY

Mr Hankin introduced the report which considered a planning application for the importation of 3.6 million cubic metres (Mm³) of inert waste over a 14-year period to the former Harworth Colliery Spoil Heap to provide for the restoration of the site.

Mr Hankin informed members that the key issues set out within the report related to the need to restore the existing colliery tip and the quantity of waste importation onto the site required to achieve this, the availability of waste to undertake these works, the need to improve existing environmental conditions on the colliery tip, particularly in the context of site stability and drainage in terms of reducing the level of contaminated run-off to surface and groundwaters surrounding the site.

Following Mr Hankin's introduction, Mr Craig Ball, the agent for the applicant, was given the opportunity to speak and a **summary** of that speech is set out below:

- I commend the thorough report
- This is a mining legacy site
- The existing condition of the site is not satisfactory, it is not environmentally acceptable, the topography of the site needs to be changed to sustain the site in the long term
- Extensive and positive consultations have taken place with NCC's officers to arrive at the scheme in front of you today.
- We accept the site is remote from the major Nottingham conurbation but its proximity to the A1 should mean that it will be able to attract material from Nottinghamshire and beyond to allow its restoration over the 15 year time period.
- There is a contractor interested in taking the site forward.
- The development will take place in a phased manner.
- The scheme will provide a permanent solution to contaminated discharges.
- Ecological mitigation will take place over the 15 year period, with a 10 year after care plan to begin once restoration has finished.
- Very few letters of objection have been received.

- The conditions attached to the permission will ensure no noise or dust issues will arise.

Members then debated the item and the following comments and questions were responded to: -

- It was noted that no objections have been lodged regarding the potential HGV movements
- Reclaimed pits elsewhere in the County have flourished
- This is a positive development, it is a shame that it will take 15 years to achieve
- Policy is to encourage public access to such sites following rehabilitation

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

RESOLVED 2021/007

1. That the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to regulate the routing of HGVs accessing the site to require all HGV traffic (excluding local deliveries) to access and egress the site access from the south and the signal-controlled junction of Blyth Road/A614 Bawtry Road.
2. That subject to the completion of the legal agreement before the 29th September 2021 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of the report. In the event that the legal agreement is not signed before the 29th September 2021, or within any subsequent extension of decision time agreed with the Minerals/Waste Planning Authority, the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

The meeting closed at 12.45pm

CHAIR