



Nottinghamshire County Council

Planning and Licensing Committee

Date: Tuesday, 22 May 2012
Time: 10:30
Venue: County Hall
Address: County Hall, West Bridgford, Nottingham NG2 7QP

AGENDA

- | | | |
|-----------|---|----------------|
| 1 | <u>Chair and Vice-Chair</u> | 1-2 |
| | To note the appointment by the County Council of Councillor Chris Barnfather as Chairman of the Committee and Councillor Sybil Fielding as Vice-Chairman (subject to confirmation at County Council meeting of 23 May 2012) | |
| 2 | <u>To note the membership of the Committee</u> | 1-2 |
| | Details | |
| 3 | <u>Minutes of last meeting held on 24 April 2012</u> | 3 - 8 |
| | Details | |
| 4 | <u>Apologies for absence</u> | 1-2 |
| | Details | |
| 5 | <u>Declarations of Interest by Members and Officers:-</u> | 1-2 |
| | <u>a) Personal</u> | |
| | <u>b) Prejudicial</u> | |
| | Details | |
| 6 | <u>Declarations of Lobbying</u> | 1-2 |
| | Details | |
| 7 | <u>Terms of Reference</u> | 9 - 10 |
| | Details | |
| 8 | <u>Approved premises for civil ceremonies</u> | 11 - 16 |
| | Details | |
| 9 | <u>Variation of existing planning condition 9 - Asquith Primary School, Asquith Street, Mansfield</u> | 17 - 28 |
| | Details | |
| 10 | <u>On farm composting of plant matter at Halls Lane (land south of A610), Newthorpe</u> | 29 - 34 |
| | Details | |
| 11 | <u>Outcome of complaint referral to Local Government Ombudsman</u> | 35 - 40 |
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12	<u>Development Management Update</u>	41 - 48
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13	<u>Work Programme</u>	49 - 54
	Details	

minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 24 April 2012 (commencing at 2.00 pm)

membership

Persons absent are marked with 'A'

COUNCILLORS

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

Jim Creamer	A	Rod Kempster
John M Hemsall	A	Bruce Laughton
Stan Heptinstall MBE	A	Rachel Madden
Rev Tom Irvine		Carol Pepper

OFFICERS IN ATTENDANCE

Steven Baker – Solicitor, Legal Services
Keith Ford – Senior Governance Officer
Sally Gill – Group Manager – Planning
Oliver Meek – Planning Officer
Andrew Penn – Trading Standards Manager
Tim Turner – Monitoring & Enforcement Team Leader

OTHERS IN ATTENDANCE

Kevin Brown, Force Architectural Liaison Officer, Nottinghamshire Police

MINUTES OF LAST MEETING

The minutes of the meeting held on 10 January 2012, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rod Kempster (medical / illness), Councillor Bruce Laughton (other Nottinghamshire County Council business) and Councillor Rachel Madden (other reasons).

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None.

THE ROLE OF THE NOTTINGHAMSHIRE POLICE PRE-CRIME TEAM IN THE PLANNING PROCESS

Kevin Brown, Force Architectural Liaison Officer (ALO) for Nottinghamshire Police, gave a presentation, highlighting the following key issues:-

- the Pre-Crime team was based at the Arrow Centre in Hucknall and had recently been reduced from 12 to 4 team members (Mr Brown and three officers who undertook the ALO role on a part-time basis);
- the team was consulted about every planning application (concerning new or refurbished buildings) within Nottinghamshire and Nottingham that required Police involvement. The team's role was to look at how crime and the number of incidents which the Police needed to attend could be reduced. They looked at the sustainability of a development in terms of potential crime and disorder;
- the team followed and helped to promote the 'Secure by Design' guidance. Input into such applications was often at the pre-planning application stage. 'Secure by Design' covered physical security and overall security within the environment (for example, ensuring good levels of natural surveillance of developments by residents themselves). Research had shown the significant impact which 'Secure by Design' had achieved, with some research indicating a 25-30% reduction in vehicle crime and a 60% reduction in crime on buildings. The average cost of building in the higher level of security measures (windows, locks, doors, garages etc.) into new developments was £170 per home. Developers were being encouraged to look at the wider environmental security issues as well as the physical security measures for the buildings themselves;
- the team also dealt with 'Safer Parking', which covered both physical and general security. There were over 100 safer car parks throughout Nottinghamshire and some had experienced no crime for five years;
- Mr Brown also gave presentations to architects as part of their Continuous Professional Development.

In response to Member's queries, the following issues were clarified:-

- developers tended to contact the team direct for pre-application input mainly in the case of large developments. The team received details of applications through planning lists and was often proactive in making contact with developers;

- the team did not charge for pre-application advice. Charging had been considered in the past but was felt to be a potentially cumbersome arrangement which could also possibly deter developers from seeking advice. However, it may be reconsidered in light of the ongoing budget cuts to Police Forces. Manchester was the only Force that currently charged. Members felt that by charging, the team may be able to have greater input into the many applications it dealt with, although it was recognised that this needed to be balanced against such charges acting as a potential deterrent;
- the team had developed good relationships with District Council planning officers over the last twelve months (previously team members had been based in the districts);
- Members suggested it would be helpful to have a basic guide for Planning Committee Members to clarify which areas of security to focus upon. Mr Brown stated that some guidance had been produced in the past and agreed to refer this issue to the regional Association of Chief Police Officers representative for 'Secure by Design';
- Government had previously been lobbied to introduce minimum security standards for new developments. Currently it tended to be the larger developers that would not engage with the team due to them using fixed designs;
- it was acknowledged that the team had no powers over developers but it was able to encourage them to use tried and tested approaches and to avoid historical design problems.

On behalf of the Committee, the Chair thanked Mr Brown for his presentation.

RESOLVED 2012/008

That the presentation be noted.

TRADING STANDARDS – YEAR END REPORT

Andrew Penn introduced the report and highlighted the key issues around explosives storage, petroleum licences and poisons registrations. Mr Penn highlighted the work undertaken in conjunction with the Police and the Fire Service around the panic-buying of petrol in response to the recent potential tanker driver strike. This included a press release to clarify what retailers could store and the types of storage.

In response to Members' queries, the following issues were clarified:-

- there was no financial penalty for not completing the self-assessment forms for premises licensed to sell petroleum. If renewal applications were not returned then the sanction of not renewing licences was available, although due to the financial processes followed, sometimes retailers had paid for renewal without actually returning the application;
- individuals could legally store up to 30 litres of petrol.

RESOLVED 2012/009

That the report be noted and the activity undertaken and proposed (as outlined in the report) be supported.

VARIATION OF PLANNING CONDITIONS OF EXISTING PLANNING PERMISSION FOR DANESHILL LANDFILL SITE, DANESHILL ROAD, LOUND, RETFORD IN RELATION TO PROPOSED AMENDMENTS TO THE RESTORATION SCHEME

Sally Gill introduced the report and gave a presentation which included the location and layout of the site; an illustration of the short rotation coppice grown on the site; access to the site; restored, operational and future operation areas; the previous planning permissions and Section 106 agreement; the existing and proposed restoration plans / final restoration schemes.

During discussions, Members welcomed the application and the planning condition about premature closure of the site.

RESOLVED 2012/010

- 1) That the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a Deed of Variation to ensure that the original Section 106 legal agreement varied in accordance with the 2009 permission shall apply to the permission hereby approved as varied in respect of the long term management of the heathland, nature conservation and woodland areas.
- 2) That the existing Section 106 Agreement be varied to ensure that a management scheme be submitted to the Waste Planning Authority for approval prior to completion of restoration planting in accordance with planning condition 31 and 32 (as set out in Appendix 1 to the committee report) and implemented for five years following the completion of aftercare in accordance with this permission.
- 3) That, subject to the completion of the legal agreement, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 to the committee report.

ATTENDANCE AT PLANNING SUMMER SCHOOL

The Chair introduced the report and underlined the benefits of attending this training event. He clarified that when considering this issue in 2011, Administration Committee had stipulated that attendance should be restricted to those members who had not attended the event in the last two years. Councillor Heptinstall expressed an interest in attending, subject to moving other diary commitments. Sally Gill underlined that the event was shorter this year and was open to both officers and councillors.

RESOLVED 2012/011

That the attendance of a Member and Officer (with respective substitutes arranged) at this year's Planning Summer School at Hope University, Liverpool on the 14-17 September 2012 be supported.

PLANNING MONITORING AND ENFORCEMENT WORK – 1APRIL 2011– 31 MARCH 2012

Tim Turner introduced the report and gave a presentation highlighting the main issues within the report including planning contravention notices served; update information on enforcement notices, appeals and challenges; and details of other developments, including the Council's own Highways Depot at Bilsthorpe which had recently won an award from the Civil Institute.

RESOLVED 2012/012

That the report be noted.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Sally Gill introduced the report which detailed the latest position on planning applications received between 19 November 2011 and 31 March 2012, confirmed decisions made on applications since the last report to Members on 10 January 2012, and included end-of-year performance figures.

Further to paragraph 17 of the report, Mrs Gill reported that confirmation had been received on 20 April 2012 that the Local Government Ombudsman had decided not to hold an investigation into the complaint relating to publicity arrangements associated with two applications for the retention of modular classrooms at Leas Park and Yeoman Park Schools in Mansfield Woodhouse. Members would be updated on this issue at a future meeting.

With regard to the issue of locally set planning fees, a report would be brought to Committee once Central Government had clarified the position on this.

A Members' Briefing on the National Planning Policy Framework was planned for after the Committee meeting on 22 May 2012.

An update was provided on the main applications which were expected to come to Committee, largely towards the end of this year.

RESOLVED 2012/013

That the report and the accompanying appendices be noted.

The meeting closed at 3.24 pm.

CHAIR
M_24Apr12

22 May 2012

Agenda Item: 7

REPORT OF CHIEF EXECUTIVE

TERMS OF REFERENCE

Purpose of the Report

1. To note the Committee's terms of reference.

Information and Advice

2. County Council on 29 March 2012 agreed the following terms of reference for the Planning & Licensing Committee:-

3. PLANNING AND LICENSING COMMITTEE – TERMS OF REFERENCE

- a. The exercise of the powers and functions set out below are delegated by the Full Council:
 - i. Responsibility for the regulatory functions of the Council in relation to planning, monitoring, enforcement and licensing.
 - ii. Responsibility for all licensing functions given to the Authority by law, except safety of sports grounds.
 - iii. Receiving reports on the exercise of powers delegated to officers in relation to functions for which this Committee is responsible.

Other Options Considered

4. None.

Reason/s for Recommendation/s

5. To inform the committee of its terms of reference.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights,

the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That the report be noted.

Mick Burrows
Chief Executive

For any enquiries about this report please contact: Keith Ford, Senior Governance Officer – 0115 9772590

Constitutional Comments

7. As the report is for noting only, no constitutional comments are required.

Financial Comments (PS 2/5/12)

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

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- a) Report to County Council – 29 March 2012 (published).

Electoral Division(s) and Member(s) Affected

All



**REPORT OF GROUP MANAGER, EMERGENCY MANAGEMENT & REGISTRATION
APPROVED PREMISES FOR CIVIL CEREMONIES**

Purpose of the Report

1. To provide an annual update and overview of the County Council's role in licensing premises for the solemnization of marriages and the formation of civil partnerships.

Information and Advice

Background

2. Current legislation allows the solemnization of marriages and the formation of civil partnerships to take place in venues other than register offices. Historic or romantic buildings such as castles, stately homes and country houses can be licensed, as can hotels, civic buildings and sports stadia. In all cases, approval can only be granted if it can be done without compromising the fundamental principles of English law and Parliament's intention to maintain the solemnity of the occasion.
3. To be approved, a venue must be a permanently immovable structure comprising at least a room or any boat or other vessel which is permanently moored. Premises outside this definition, such as the open air, a tent, marquee or any other temporary structure, and most forms of transport, would not be eligible for approval. The premise must be a seemly and dignified venue for the proceedings, and cannot be religious premise, other than for the formation of Civil Partnerships. Also, it must be regularly available to the public, which rules out a domestic home.
4. Last year there were 61 Approved Premises in the County, and this year there are 70 (including four former Register Offices that have been decommissioned). Appendix A to this report provides a list of all currently approved premises in Nottinghamshire. The fee for approval of a premise is included in the set of all registration fees, which was previously approved by the Cabinet Member for Community Safety and in future will be reported to the Community Safety Committee for consideration and approval.

Civil Partnerships in Religious Premises

5. The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 came into effect on Monday 5th December 2011. These allow civil partnership ceremonies to be conducted in places of worship in England and Wales. The Registration Services' role

is to approve the premises. Nationally, the leaders of Liberal Judaism, the Quakers and the Unitarians have all expressed interest in holding ceremonies. The procedure and basis on which approvals will be granted is broadly the same as that which currently applies to secular premises. Once approved, the premises will be included in the list of approved venues for civil partnerships, indicating that they are a religious premise (and so cannot be used for a civil marriage). Civil partnerships were introduced in 2005 to give couples the same legal protection as if they were married.

Procedures

6. The Constitution of the County Council identifies that the power to approve premises for the solemnisation of marriages lies with the Planning and Licensing Committee. Under the 'Officer Scheme of Delegation', the responsibility for exercising all functions in relation to the registration service is delegated to the Group Manager, Emergency Planning and Registration.
7. The registrar's procedures for approval of premises have been developed following 'The Registrar General's Guidance to Authorities for the approval of premises as venues for civil marriage and civil partnerships' (Fourth Edition, Revised December 2011). The premises are assessed for suitability, fire safety and the need (or otherwise) for planning permission. Once granted, each approval lasts for three years.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service, and where such implications are material they are described in the report.

RECOMMENDATION/S

It is recommended that the contents of the report be noted and that further reports will be brought to the Planning and Licensing Committee annually.

Robert Fisher

Group Manager, Emergency Management and Registration

For any enquiries about this report please contact: Robert Fisher, 0115 977 3681

Constitutional and Financial Comments

None. The report is for noting only

Electoral Division(s) and Member(s) Affected

All

List of Approved Premises in Nottinghamshire

Premises name	Location
Blackburn House,	Brake Lane, Boughton, Newark
The Bramley Suite	The Bramley Centre, King Street, Southwell
The Bestwood Lodge Hotel	Bestwood Country Park, Arnold
Blotts Country Club	Adbolton Lane, Holme Pierrepont
The Carriage Hall	Station Road, Plumtree
Charnwood Hotel	Sheffield Road, Blyth, Worksop
Clumber Park	The National Trust, Worksop
Clumber Park Hotel and Spa	Worksop
Cockliffe Country House	Burntstump Country Park, Burntstump Hill
Country Cottage Hotel	Easthorpe Street, Ruddington
Deincourt Hotel	London Road, Newark
The Drawing Room	Balderton Gate, Newark
DH Lawrence Heritage Centre	Mansfield Road, Eastwood
Eastwood Hall	Mansfield Road, Eastwood
Elms Hotel	London Road, Retford
Forever Green Restaurant	Ransom Wood, Southwell Road, Mansfield
The Full Moon	Main Street, Morton, Southwell
The Gallery	County House, Mansfield
The Garden Room	The Hall, Bridgford Road, West Bridgford
Goosedale	Goosedale Lane, Bestwood Village
Grange Hall	Vicarage Lane, Radcliffe on Trent
Hodsock Priory	Blyth, Nr Worksop
Holme Pierrepont Hall	Holme Pierrepont, Nottingham
Kelham Hall	Kelham, Newark
Kelham House Country Manor Hotel	Main Street, Kelham, Newark
Lakeside	2 Waterworks House, Mansfield Road, Arnold
Leen Valley Golf Club	Wigwam Lane, Hucknall

Premises name	Location
Langar Hall	Langar
The Lion Hotel	112 Bridge Street, Worksop
The Mill, Rufford Country Park	Ollerton, Newark
Newark Castle	Castle Gate, Newark
Newark Town and District Club Ltd	Barnbygate House, 35 Barnbygate, Newark
Newark Town Hall	Market Place, Newark
Newstead Abbey	Newstead Abbey Park, Ravenshead
Norwood Park Country House	Southwell
Nottingham Forest Football Club	City Ground, Nottingham
Nottinghamshire County Cricket Club	Trent Bridge, Nottingham
Nottinghamshire Golf and Country Club	Stragglethorpe
The Oakdale Suite	County House, Mansfield
The Oakham Suite	Nottingham Road, Mansfield
The Old Court House	Church Street, Bingham
The Old Vicarage	Park Lane, Elkesley, Retford
The Old Vicarage, Boutique Hotel	Westhorpe, Southwell
Papplewick Pumping Station	Off Longdale Lane, Ravenshead
Portland Hall Hotel	Carr Bank, Windmill Lane, Mansfield
Radcliffe Hall	Main Road, Radcliffe on Trent
Retford Town Hall	Market Square, Retford
Richard Herrod Centre	Foxhill Road, Carlton
The Riding Hall	The Courtyard, Thoresby Park
The Rowan Suite	Chancery Lane, Retford
Ruddington Grange Golf Club	Wilford Road, Ruddington
Rufford Park Golf and Country Club	Rufford Lane, Rufford, Newark
Rufford Suite, County Hall	Loughborough Road, West Bridgford
Saracens Head Hotel	Market Place, Southwell
Sherwood Forest, Oak Room	Sherwood Forest Visitor Centre, Edwinstowe
The Secret Garden	Lancaster Road, Gringley on the Hill
Southwell Racecourse	Rolleston
Stoke Hall	Church Lane, East Stoke, Newark

Premises name	Location
Sutton Bonington Hall	Main Street, Sutton Bonington
Swancar Farm Country House	Trowell Moor, Trowell
Thoresby Hall Hotel and Spa	Thoresby Park, Nr Ollerton
Thrumpton Hall	Nottinghamshire
The Victoria Suite	Memorial Avenue, Worksop
The Village Hotel and Leisure Club	Brailsford Way, Chilwell
Welbeck Banqueting Hall	Welbeck Road, West Bridgford
West Retford Hotel	24 North Road, East Retford
Woodborough Hall	Bank Hill, Woodborough
The Workhouse	Upton Road, Southwell
Worksop Town Hall	Potter Street, Worksop
Ye Olde Bell Hotel	Barnby Moor, Retford



22 May 2012

Agenda Item: 9

REPORT OF GROUP MANAGER PLANNING

MANSFIELD DISTRICT REF. NO.: 2/2012/90/ST

PROPOSAL: VARIATION OF CONDITION 9 OF PLANNING PERMISSION 2/2004/634/ET TO ALLOW THE SCHOOL MORE FLEXIBILITY IN THE USE OF THE SPORTS HALL ALLOWING PRIMARY SCHOOL CHILDREN USE OF THE FACILITY DURING THE SCHOOL HOLIDAYS

LOCATION: ASQUITH PRIMARY SCHOOL, ASQUITH STREET, MANSFIELD

APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES

Purpose of Report

1. To consider a planning application for the variation of Condition 9 of Planning Permission 2/2004/634/ET to allow primary school children enrolled at Asquith Primary School more flexibility in the use of the sports hall during the school holidays. The key issues relate to vehicle parking and congestion. The recommendation is to approve the application subject to conditions.

The Site and Surroundings

2. Asquith Primary School is located on the corner of Carter Lane and Asquith Street, approximately 1km south-east of Mansfield town centre (see Plan).
3. Carter Lane (B6030) is a secondary thoroughfare through older residential districts of Mansfield and is fronted by a number of mixed residential, commercial and community uses. Asquith Street is a short 5m wide street of some 90m terminating in Asquith Mews, a residential cul-de-sac. There is a small area for vehicles to manoeuvre and turn round in front of the school car park entrance and the access into Asquith Mews.
4. The south-western side of Asquith Street is dominated by the school and its car park, the north-eastern side by traditional inter-war two storey semi-detached or modern mews residential properties.
5. The school site comprises a number of separate school buildings, Victorian and modern. The school sports hall is located to the south-east of the site adjacent to

the school car park and lies at a lower ground level than the adjoining Victorian school buildings.

Proposed Development

6. On 23 March 2005 planning permission was granted for the demolition of a storage building and construction of a new school sports hall and relocation of six car parking spaces (planning permission 2/2004/634/ET).
7. Condition 9 of the above permission states that, *the use of the new sports hall is restricted to educational or sports use associated with the use of the school as an educational facility for primary school children during the hours of 0800 hrs to 1700 hrs Monday to Friday only and at no times outside school term times.*
8. The reason for the Condition was to protect residential amenity.
9. This application proposes to vary Condition 9 of planning permission 2/2004/634/ET to enable primary school children enrolled at the school use of the sports hall during the school holidays, whilst continuing to adhere to the Monday to Friday 0800 hrs to 1700 hrs restriction.

Consultations

10. **Mansfield District Council** – *The variation of Condition 9 of planning permission 2/2004/0634/ET to allow the sports hall to be used by primary school children between 0800 hrs and 1700 hrs but out of school term times should not in principle have any material impact upon the surrounding area, given that a permission is in place for use between 0800 hrs and 1700 hrs during school term times. However, it would appear that there is potential for parking issues to arise on both Carter Lane and Asquith Street if on-site parking facilities are not made available at all times when the sports hall is in use. This concern is shared by the Highway Authority in their formal consultation response.*

The District Council does not wish to object to the proposed variation of the Condition subject to adequate parking arrangements being put in place. It is suggested that a full assessment should be made of the parking provision available in conjunction with the Highway Authority before any variation of the Condition is formally granted.

11. **Sport England** – *Raised concerns within their original response with regards to the lack of community use of the then proposed school sports hall. The current application proposes the expansion of the use of the hall into holiday periods. Sport England would support the further expansion as proposed and also the use of other school facilities (if this does not occur already), such as the playing fields and artificial grass pitch, by the local community.*

Sport England has assessed the application in light of their Land Use Planning Policy Statement Planning Policies for Sport. The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport

is necessary in order to ensure the sport and recreational needs of the local community are met.

Sport England's new strategy launched in January this year contains within it proposals for increasing the shared community use of sports facilities at secondary school sites. However, Sport England would also encourage the joint use of all school sites where practical to maximise the use of facilities, increase the potential for participation in sport and provide an income for the school.

This being the case, Sport England offers its support to this application and encourages the further expansion of this use outside school hours.

12. **NCC Highways** – *Traffic generated by the proposed change of Condition would be likely to result in an increase in parking on surrounding streets (Asquith Street and Carter Lane), consequently parked vehicles could cause an obstruction of the public highway with consequent risk to public safety. In view of the above the Highway Authority has no objection to the application in principle subject to a Condition relating to parking facilities being made available within the site.*

Publicity

13. The application has been publicised by a site notice and 18 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement (SCI). Seven letters of objection have been received whereby concerns raised include the following:
- a. The school 'run' is a disruption to the daily lives of residents;
 - b. The residential cul-de-sac is not designed for a park and drop-off facility;
 - c. Blocking off of residential driveways;
 - d. Decline of grass verges are an eyesore during winter months;
 - e. Litter;
 - f. Congestion could delay emergency vehicles if required;
 - g. Health and safety concerns for local children/pupils;
 - h. The building was originally built with the promise of it only being used during term time;
 - i. Noise of vehicles;
 - j. Parents of school children have previously become abusive and threatening;
 - k. Loitering of unsupervised children will lead to antisocial behaviour;
 - l. Damage to vehicles;

- m. Full-time staff, caretakers, cleaners, supply teachers, visitors and contractors park on Asquith Street and Asquith Mews even when there are spaces in the school car park;
 - n. What happened to the Travel Plan under Condition 10 of the planning permission?
 - o. The school car park is rarely open during the school holidays in order to accommodate visitors/contractors;
 - p. No reason for any variation to the original condition as the reasons for its application have not changed e.g. to protect residential amenity;
 - q. Should further accommodation be required in order to provide extra curricular activities, then this could be facilitated utilising existing empty classrooms; and
 - r. There are plenty of parks in the vicinity that families can use.
14. Councillor Stephen Garner has made the following comments. *On viewing the site there is insufficient parking, teachers and teaching assistants are parking in the street. Over the years the residents have had to put up with more parking problems. Forty years ago children went to school at 9am till 4pm and residents accept that, over the last couple of years there has been nursery times at 11am and 1pm. There is no respite for residents now school holidays are sought. There are about 18 parking spaces on site, not enough, and who can guarantee the gates will be open? I am sure the local residents will be echoing the same issues of parking in the surrounding area.*
15. Councillor Chris Winterton has been notified of the application.
16. The issues raised are considered in the Observations Section of this report.

Observations

17. Condition 9 of planning permission 2/2004/634/ET restricts the use of Asquith Primary School sports hall to primary school children between 0800 hrs to 1700 hrs Monday to Friday and during term time only. This application proposes to vary Condition 9 in order to allow primary school children enrolled at the school use of the sports hall during the school holidays, but within the parameters of Monday to Friday 0800 hrs to 1700 hrs only. The proposed changes would allow the school to increase the provision of extracurricular activities, such as sports, clubs, family activities and play schemes, and would ensure that such activities are able to take place whatever the weather.
18. The applicant states that during the summer holidays of 2011 the school ran a play scheme for approximately 40 children, using accommodation that was available at the time e.g. the school hall and playground. Many of the activities took place outside as fair weather conditions at the time allowed for this. It is stated by the applicant that had the weather been wet, then children would not

have been able to engage in the extensive range of activities planned which would have made for a poorer experience.

19. Policy ECH1 (Development of Community Facilities) of the Mansfield District Local Plan (MDLP) relates to the provision of community facilities and states that permission shall be granted for development which is inside the urban boundary and does not have a detrimental effect on the character, quality and amenity of the surrounding area. Asquith Primary School is proposing a further summer play scheme this year, supporting the school community by offering play opportunities for children and new learning experiences for the whole family. The Asquith Primary School Extended Services Coordinator suggests that in the long term, provision such as this helps to support young people and their families gain confidence, gain new skills, improve their educational attainment, improve family relationships and supports the local community.
20. However, seven letters of objection from local residents have been received whereby concerns raised include issues relating to vehicle parking, congestion and highway safety. It is recognised that during term time at the school there are problems with vehicle parking and congestion along Asquith Street and Asquith Mews, as is the case with many schools across the County at dropping-off and picking-up times. This application would have no impact on existing arrangements at the school during the term time and car parking should not be unduly affected in the locality by the proposed change, as the number of people arriving at Asquith Primary School during the school holidays would be far lower than the volume of traffic generated by the school during a normal working day. In addition, there would be further car parking available within the school for users of the sports hall as there would be fewer members of staff using the facility during the holidays, and therefore the proposals accord with Policy ECH1 (Development of Community Facilities) of the MDLP.
21. The proposed use of the sports hall during the school holidays has been assessed by NCC's Highway Development Control Team. The consultation response has highlighted that if on-site facilities were not made available then traffic generated by the proposals would be likely to result in an increase in parking on surrounding streets (Asquith Street and Carter Lane), and parked vehicles could cause an obstruction of the public highway with a possible risk to public safety. This is echoed by Councillor Stephen Garner and local residents who suggest that the school car park is rarely open during the school holidays in order to accommodate visitors and/or contractors.
22. Policy M16 (Movement/Transport) of the MDLP states that planning permission will be granted provided that the development has regard to the needs and safety of all modes of transport, would not have a detrimental effect on the surrounding environment, incorporates provision for safe vehicle access/egress, provides the operational minimum level of car parking necessary to meet the needs of the development and is located where there is, or is the potential for, easy access to public transport.
23. NCC's Highway Development Control Team raise no objection to the use of the sports hall during the school holidays subject to a suitably worded scheme being submitted to the County Planning Authority (CPA) for the appropriate

management of the on-site car park e.g. ensuring it would be open and made available to parents attending the sports hall, and therefore the proposals would be in accordance with Policy M16 (Development Requirements) of the MDLP.

24. Whilst Mansfield District Council (MDC) raise no objection to the proposals, it is suggested that a full assessment should be made of the parking provision available in conjunction with the Highway Authority before any variation of the Condition is granted. However, NCC's Highway Development Control Team have assessed the proposals and are satisfied with the application in principle subject to a Condition requiring parking facilities to be made available. Therefore, it is not considered necessary to require this information prior to determination as requested by MDC, as suitably worded Conditions attached could reasonably satisfy the concerns raised.
25. Condition 10 of planning permission 2/2004/634/ET required that a Travel Plan for the school setting out measures to reduce car parking and traffic congestion on roads surrounding the school be submitted and implemented as part of the approval for the sports hall. To date a Travel Plan has not been submitted and implemented as requested by Condition 10 of the above permission, a point raised within a letter of objection from a local resident. However, the Condition would remain attached to any permission granted and would be made a priority of the CPA to ensure the requirements of the Condition are satisfied.
26. The majority of comments made within residents' letters of objection relate to the established use and issues beyond the site boundary of the school. A number of comments made e.g. damage to vehicles, abusive and threatening behaviour and anti-social behaviour, can not be resolved by the school but require the aid/enforcement of other partner agencies e.g. Police authority. However, the school need to take responsibility for local issues as a result of vehicle movements to and from the site, and through a suitably worded Travel Plan approved by the CPA and implemented, this could be achieved.
27. It should be noted that Asquith Primary School and all other facilities on-site are available and open to staff, parents and children if required during the school holidays with no restrictions. This application proposes to bring the use of the sports hall 'in-line' with those other facilities on-site. It is not proposed to use the sports hall beyond 1700 hrs on weekdays, at weekends or for community use with no affiliations with the school. Sport England supports the proposals in that the provision of sporting facilities would be made available during the school holidays and further encourages the use of the sports hall beyond the school day. However, the applicant has not applied for use beyond 1700 hrs and it has not been assessed as part of this application.
28. In conclusion, there is a sports hall at Asquith Primary School which at present can only be used during the term time. The majority of concerns and issues raised relate to the daily activities in and around a fully functioning primary school. During the school holidays vehicle numbers and pupils attending the school would be expected to be lower, and subject to a suitably worded condition to ensure the car park off Carter Lane and Asquith Street is made available, NCC's Highway Development Control Team are satisfied with the proposals. Extended facilities and activities during the school holidays would encourage and

promote healthy living in line with the Government agenda whilst allowing the more efficient use of a sports facility, advantages of which have been highlighted previously. The CPA recognise the sensitivities relating to vehicle parking, congestion and highway safety, and this is highlighted by the importance of a comprehensive Travel Plan to be submitted, approved and implemented by the school demonstrating to local residents that proactively managing transport to and from the site is a priority.

29. The National Planning Policy Framework seeks to provide opportunities for sport and recreation which it recognises can make an important contribution to the health and well-being of communities.

Other Options Considered

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

Human Rights Act Implications

31. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of unauthorised vehicle parking and congestion upon residents of Asquith Street and Asquith Mews. However, these considerations need to be balanced against the wider benefits the proposals would provide in providing indoor sports facilities for the pupils of Asquith Primary School during the school holidays. Members will need to consider whether these benefits would outweigh the potential impacts.

Statutory and Policy Implications

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

Crime and Disorder Implications

33. The sports hall is located within an established school campus and benefits from the protection afforded by existing perimeter security gates.

Conclusions

34. Asquith Primary School is proposing to make use of the on-site sports hall for children enrolled at the school during the school holidays. At present all other

facilities including the main school building can be accessed and used without restriction during these times if required. It is accepted that the residents of Asquith Street and Asquith Mews are faced with the daily challenge of unauthorised vehicle parking and congestion during the school term time, however the primary school is an established use and its everyday function is not the subject of this application. Term time only use of the sports hall is not an efficient use of the facility, which could otherwise provide primary school children and their families with year round sporting activities in line with Government aspirations whilst still adhering to sensitive operating hours. Unrestricted access to the school car park off Asquith Street is critical to the successful operation of the sports hall during the school holidays, and the submission of a comprehensive Travel Plan would be a positive step towards managing unauthorised vehicle parking and congestion off Asquith Street and Asquith Mews. Promoting healthy communities is a priority within the National Planning Policy Framework and is a policy which is highly regarded by Sport England.

Statement of reasons for the decision

35. Extended use of the sports hall at Asquith Primary School would provide an additional community facility within the urban boundary of Mansfield and, subject to appropriate conditions, would not have a detrimental effect on the character, quality or amenity of the surrounding area and therefore is in accordance with Policy ECH1 (Development of Community Facilities) of the Mansfield District Council Local Plan (MDLP).
36. The proposals represent the more efficient use of existing facilities and would help deliver the Government's agenda of promoting healthy communities and accord with guidance in the National Planning Policy Framework. Making use of the sports hall during the school holidays has regard to the needs and safety of all modes of transport, would not have a detrimental effect on the surrounding environment, incorporates provision for safe vehicle access/egress, provides the operational minimum level of car parking necessary to meet the needs of the development and is located where there is, or is the potential for, easy access to public transport and is therefore in accordance with Policy M16 (Development Requirements) of the MDLP.
37. The County Council is of the opinion that the proposed development is in accordance with the above named policies and there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

RECOMMENDATION

38. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. 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

Committee have power to decide the recommendation

[SHB.30.04.12]

Comments of the Service Director - Finance

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

[DK.01.05.12]

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

South Mansfield – Councillor Stephen Garner and Councillor Chris Winterton

Report Author/Case Officer

Tom Cox

0115 9696512

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

W000953 – DLGS REFERENCE

EP5337 – COMMITTEE REPORT FOLDER REFEREN

10 May 2012 – Date Report Completed by WP Operators

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 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. The development hereby permitted shall only be carried out in accordance with the following, unless otherwise agreed in writing with the CPA, or where amendments are made pursuant to other Conditions set out below:

Drawing No 3583 ACH(fp0) 001 Rev C received on 19/01/05

Reason For the avoidance of doubt.

4. The use of the sports hall shall be restricted to primary school children enrolled at Asquith Primary School during the hours of 0800 hrs to 1700 hrs Monday to Friday only.

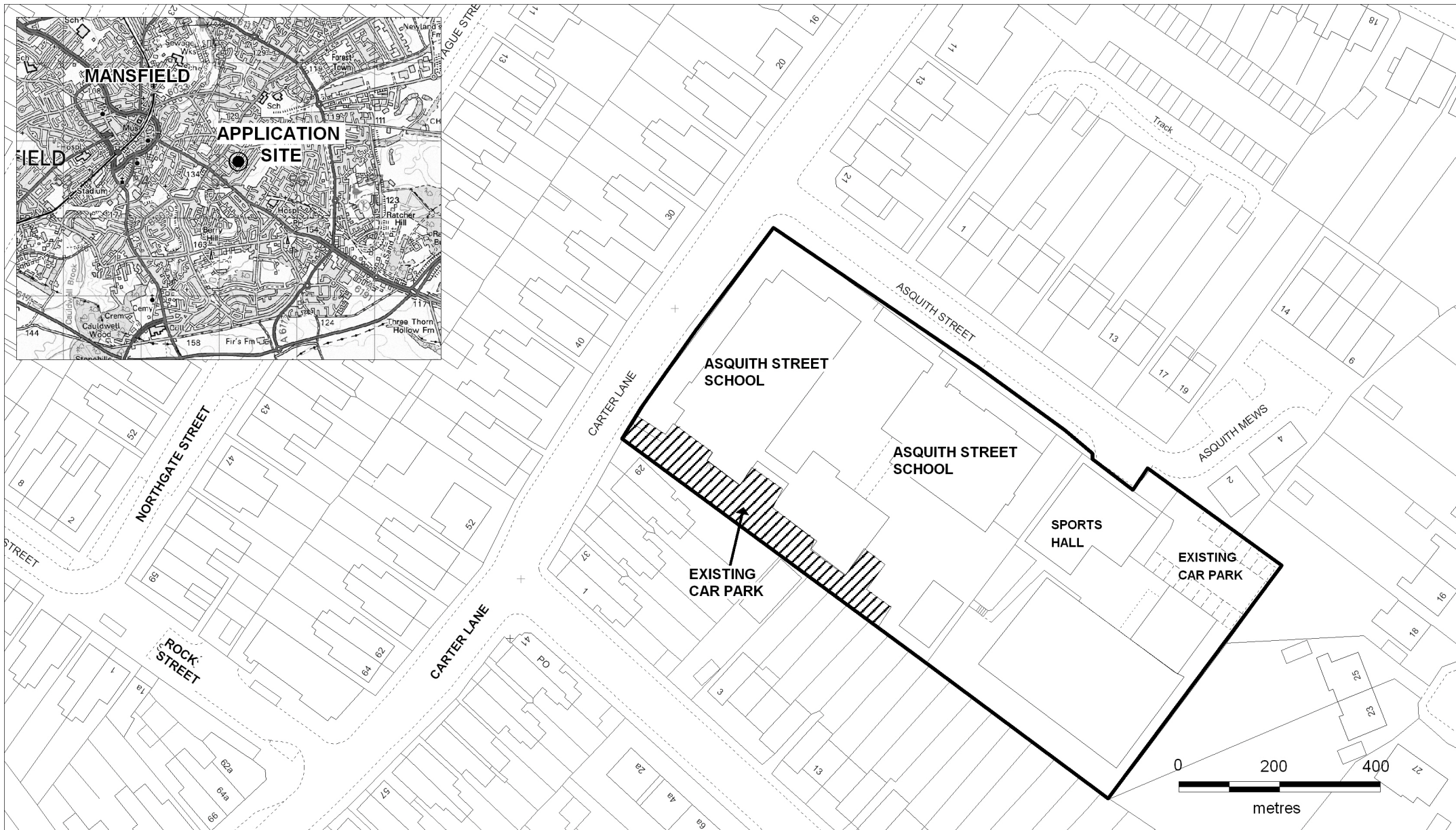
Reason To protect residential amenity in accordance with Policy M16 of the MDLP.

5. Within 3 months of the date of this permission a Travel Plan for the school setting out measures to reduce access by private car and car parking and traffic congestion on roads surrounding the school shall have been submitted to the CPA for its approval in writing. The Travel Plan shall be implemented within one month of its approval unless otherwise agreed in writing by the CPA.

Reason In the interests of residential amenity and to accord with Policy ECH1 and M16 of the MDLP.

6. No variation of Condition shall be permitted until provision has been made within the application site for parking of vehicles and cycles in accordance with details submitted to and approved in writing by the CPA. Thereafter, vehicle/cycle spaces as approved shall be made available to users at all permitted times during the school holidays.

Reason In the interest of highway safety and amenity.




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

PROPOSED VARIATION OF CONDITION 9 OF PLANNING PERMISSION 2/2004/634/ET
 TO ALLOW THE SCHOOL MORE FLEXIBILITY IN THE USE OF THE SPORTS HALL
 ALLOWING PRIMARY SCHOOL CHILDREN USE OF THE FACILITY DURING THE SCHOOL HOLIDAYS
 ASQUITH PRIMARY SCHOOL, ASQUITH STREET, MANSFIELD
 PLANNING APPLICATION NO. 2/2012/90/ST

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Scale: 1:10,000
 Produced by: JW
 Date: MAY 2012



22 May 2012

Agenda Item:10

REPORT OF GROUP MANAGER PLANNING

BROXTOWE DISTRICT REF. NO.: 5/11/00342/CCR

PROPOSAL: ON FARM COMPOSTING OF PLANT MATTER SUCH AS GRASS CUTTINGS AND HEDGE TRIMMINGS

LOCATION: HALLS LANE, (LAND SOUTH OF A610), NEWTHORPE

APPLICANT: H W MARTIN (FARMS) LIMITED

Purpose of Report

1. To update Members in respect of the decision on the above planning application and the implications for the decision of the subsequent publication of the National Planning Policy Framework.

Background to the Report

2. Members will recall that a report was presented to them on 10 January 2012 for a planning application for on-farm composting on land to the south of the A610 at Newthorpe. The proposals sought to compost no more than 3,250 tonnes of green waste per annum with no more than 500 tonnes of material being on approximately 0.4 hectare application site at any one time. The proposals would result in approximately 300 HGVs accessing the site per annum with the compost, which would be produced in eight to ten week cycles, being taken off site and spread onto agricultural land in the applicant's ownership.
3. Members granted planning permission subject to the application being referred to the National Planning Casework Unit on behalf of the Secretary of State as a departure from the development plan in light of the application site being inappropriate development in the Green Belt. The National Planning Casework Unit confirmed that the Secretary of State did not wish to intervene and so the Corporate Director for Policy, Planning and Corporate Services is authorised to grant planning permission subject to the 37 conditions set out in the Appendix to the January 2012 report and also subject to the submission of a unilateral undertaking detailing the areas of agricultural land onto which the composted material produced by the development is to be spread. Following lengthy discussions between the County Council, Derbyshire County Council and the applicant, the unilateral undertaking is expected to be submitted to the County

Council in the near future, after which the planning permission can be issued.

The National Planning Policy Framework

4. In the time since Members determined the application, the Government has published the 'National Planning Policy Framework' (NPPF) which sets out the Government's planning policies for England. The NPPF has replaced a whole raft of planning policy guidance, including 'Planning Policy Guidance Note 2: Green Belts' (PPG2) and 'Planning Policy Statement 7: Sustainable Development in Rural Areas' (PPS7), planning guidance which were material considerations in the determination of the composting application. Paragraph 13 of the NPPF states that the NPPF "constitutes guidance for local planning authorities as a material consideration in determining applications".

Statement of Reasons for the Decision

5. Paragraphs 106 – 108 of the January 2012 report set out the report's conclusions and the statement of reasons for the decision which would be included on any planning permission issued. It includes references to PPG2 and PPS7 and reads:

The application site lies in the Green Belt and the proposals are not considered to be appropriate development in the Green Belt so have accordingly been treated as a departure for referral to the National Planning Casework Unit on behalf of the Secretary of State. However, whilst the County Council acknowledges this issue, it is considered that there are a number of very special circumstances which outweigh the inappropriate nature of the development in the Green Belt.

Recent planning decisions relating to other proposed composting schemes means that there remains a shortfall of composting sites in the county to deal with green waste. The scale of the proposed development is limited compared to other composting sites and would ensure that the openness of the Green Belt is maintained. The limited availability of sites resulting from restrictions placed by the EA in relation to stand-off distances to sensitive receptors has led to sites in the Green Belt needing to be considered for this type of development. The proposed development would bring agricultural benefits from the spreading of the compost and is therefore considered to be a sustainable diversification scheme which accords with PPS7. The management of the green waste further up the waste hierarchy accords with PPS10. It is considered that these benefits would outweigh any negative impacts associated with the proposed development.

Any such negative impacts could be mitigated further by the imposition of the attached conditions. These include the additional landscaping proposed which would also bring biodiversity benefits, plus the restrictions to the amount of material on site at any one time and the height of storage mounds and windrows, which would all help to ensure that the openness of the Green Belt is maintained in accordance with PPG2 and Policy E8 of the Broxtowe Local Plan. Further conditions would ensure that the impact of the development on bridleway users would be minimised to

acceptable levels while other conditions would ensure that local amenity would not be subject to any unacceptable impact.

Assessment of the proposed development against the NPPF

6. In light of the fact that the need to submit a unilateral undertaking has delayed the issuing of the planning permission until after the publication of the NPPF, and the fact that the NPPF is a material consideration in determining planning applications, it is considered important to reassess the application against the NPPF to ensure that it remains compliant with the latest Government guidance. The above statement of reasons for the decision makes reference to PPG2 and PPS7 and the NPPF considers the assessment of planning applications in respect of Green Belts and rural economies.
7. Paragraph 87 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. The January 2012 committee report identified a number of very special circumstances which were considered to outweigh the harm to the Green Belt, including the difficulty in finding a site which is far enough away from sensitive receptors in terms of bioaerosols, agricultural diversification and moving this waste stream further up the waste hierarchy.
8. It is considered that the bioaerosol issue is not affected by the NPPF and remains a material consideration. Therefore, in light of the limited amount of land available which is outside the 250 metre buffer zone which the Environment Agency insists should be between composting sites and sensitive bioaerosol receptors, it is still considered necessary to consider sites in the Green Belt for this type of development and this matter remains a very special circumstance which supports the location of this type of development in the Green Belt.
9. Regarding agricultural diversification, Paragraph 28 of the NPPF promotes “the development and diversification of agricultural and other land-based rural businesses” and the proposed development would provide for a sustainable means of improving the agricultural quality of nearby agricultural land. It is therefore considered that the proposed development is consistent with the NPPF in this respect.
10. Regarding the green waste being moved further up the waste hierarchy, the NPPF does not cover waste planning matters and ‘Planning Policy Statement 10: Planning for Sustainable Waste Management’ remains in place. It is therefore considered that the very special circumstances identified in the January 2012 report remain consistent with the new Government planning guidance in the NPPF.
11. In addition to these very special circumstances remaining valid, Paragraph 79 of the NPPF confirms that “the essential characteristics of Green Belts are their openness and their permanence” which is consistent with the previous guidance in PPG2. The January 2012 committee report highlighted a number of measures, including landscaping, restrictions on the amount of material on site at any one time, and restrictions on the height of storage mounds and windrows,

as helping to ensure that the openness of the Green Belt is maintained and so it is considered that the proposed development also accords with the NPPF in this respect.

Revised Statement of Reasons for the Decision

12. In light of the recent publication of the NPPF, it is considered that the Statement of Reasons for the Decision included in the planning permission issued should be amended from that detailed in the January 2012 committee report to the following to reflect the publication of the NPPF:

The application site lies in the Green Belt and the proposals are not considered to be appropriate development in the Green Belt so have accordingly been treated as a departure for referral to the National Planning Casework Unit on behalf of the Secretary of State. However, whilst the County Council acknowledges this issue, it is considered that there are a number of very special circumstances which outweigh the inappropriate nature of the development in the Green Belt.

Recent planning decisions relating to other proposed composting schemes means that there remains a shortfall of composting sites in the county to deal with green waste. The scale of the proposed development is limited compared to other composting sites and would ensure that the openness of the Green Belt is maintained. The limited availability of sites resulting from restrictions placed by the EA in relation to stand-off distances to sensitive receptors has led to sites in the Green Belt needing to be considered for this type of development. The proposed development would bring agricultural benefits from the sustainable improvement of agricultural land through the spreading of the compost and is therefore considered to accord with the National Planning Policy Framework which supports “the development and diversification of agricultural and other land-based rural businesses”. The management of the green waste further up the waste hierarchy accords with PPS10. It is considered that these benefits would outweigh any negative impacts associated with the proposed development.

Any such negative impacts could be mitigated further by the imposition of the attached conditions. These include the additional landscaping proposed which would also bring biodiversity benefits, plus the restrictions to the amount of material on site at any one time and the height of storage mounds and windrows, which would all help to ensure that the openness of the Green Belt is maintained in accordance with the National Planning Policy Framework and Policy E8 of the Broxtowe Local Plan. Further conditions would ensure that the impact of the development on bridleway users would be minimised to acceptable levels while other conditions would ensure that local amenity would not be subject to any unacceptable impact.

Conclusions

13. It is considered that the revised Statement of Reasons for the Decision detailed above is consistent with the original statement in the January 2012 committee report and confirms that the decision taken by Members at that committee remains consistent with the latest Government planning guidance in the NPPF.

RECOMMENDATIONS

14. It is recommended that Members note the content of this report.

SALLY GILL

Group Manager (Planning)

Constitutional Comments

There are no further constitutional comments required as this report is for noting only.

[SHB.04.05.12]

Comments of the Service Director - Finance

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

[DJK 04.05.12]

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

Councillor David Taylor Beauvale

Report Author/Case Officer

Jonathan Smith

0115 9696502

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

W000331 – DLGS REFERENCE
EP5336 – COMMITTEE REPORT FOLDER REFERENCE
8 May 2012 – Date Report Completed by WP Operators



REPORT OF GROUP MANAGER PLANNING

OUTCOME OF COMPLAINT REFERRAL TO LOCAL GOVERNMENT OMBUDSMAN

Purpose of Report

1. To inform Members of the outcome of a complaint referred to in the Local Government Ombudsman. The report is for noting.

Background

2. Members will recall from the end of year Development Management report presented to Committee at its April meeting that a complaint had been referred to the Local Government Ombudsman (LGO) having gone through the Council's complaints procedure. The complainant alleged that actions by the Council did not comply with its Statement of Community Involvement and, in particular, that the Council had:
 - a) Failed to engage with residents when considering an application for the retention of an existing modular classroom at a neighbouring school for a further temporary period;
 - b) Failed to notify residents about an application for the retention of existing modular classrooms at another neighbouring school for a further temporary period;
 - c) In both cases granted planning permission contrary to planning policy;
 - d) Failed to honour a commitment relating to maintenance of trees on its land; and
 - e) Had given misleading information to do with the installation of a long jump facility at a third school and also about its complaints procedure. The long jump pits, allegedly carried out without planning permission, had altered site contours thereby diverting surface water towards the complainant's property and those of his neighbours causing flooding.
3. Both applications for the retention of modular classrooms had been granted planning permission subject to conditions under delegated powers. The third

school, with the long jump pits, had subsequently become an Academy School in August 2011.

4. Members will be aware that the LGO has no powers to evaluate the merits of particular planning applications but may investigate whether maladministration by a local authority has caused injustice to a member of the public. In considering the complaint the LGO took account of documents supplied by the complainant, including the Council's responses as part of its Complaints Procedure, information on the Council's web-site and a telephone discussion with the complainant.

Decision

5. The LGO's decision is not to begin an investigation of the complaint. This is based on the LGO's view that there is no prospect that such an investigation could establish that any maladministration by the Council has caused any significant injustice. The LGO identified the key questions as whether flooding is caused or exacerbated by work done by the Council and, if so, whether the Council has any duty to take remedial action. Resolution of this, the LGO considered, turned on engineering and legal issues, not questions of maladministration.
6. The LGO recognised that the two applications relating to the modular classrooms were for the temporary retention of buildings already in place and therefore the amenity of the complainant and that of his neighbours is no different as a result of the planning permissions. The flooding issue was probably of little relevance and both delegated reports referred to relevant planning policy. The LGO did not consider there was a reasonable expectation that further engagement with residents should have taken place following their objections or that the matter should have been referred to Committee for determination.
7. The fact that two similar applications had been publicised in different ways is not necessarily wrong and the LGO recognised that case officers were entitled to take differing approaches under the discretionary powers available to them.
8. The LGO considered that several questions associated with the long jump facility did not appear to have been considered in any detail by the Council's complaints procedure on the basis that the associated school now has Academy status. The LGO does, however, comment that there is no prospect that an investigation would establish any injustice had been caused to the complainant for the same reason referred to in paragraph 6 above.
9. The LGO recognised that the Council is entitled to take a different view as to what tree maintenance is needed from that previously indicated in response to changing circumstances including financial circumstances.
10. Whilst the LGO has declined to investigate this complaint, he has offered three suggestions to promote better administration in an effort to be helpful. The LGO has stressed that they do not constitute a finding of maladministration or a formal recommendation. These are considered in turn below:

A) Information on the Council's web-site about delegated planning powers

11. Firstly the LGO notes that the Council's web-site states that officers will not determine applications where there are significant objections from consultees. The LGO comments that 'significant' is subjective and could be interpreted as meaning a large number of objections or an objection which carries much weight in planning terms. He queries whether 'consultees' include members of the public or the specialist bodies asked to comment on applications. The complainant had been advised that four letters of objection or more would trigger referral to Committee but this was not amongst the criteria listed on the web-site.
12. In response, the full details of which applications require referral to Committee are available on the web-site set out in the Constitution. Table 6 '*Matters required to be referred to Planning and Licensing Committee*' also provides clarity on the term 'significant' and distinguishes between members of the public and consultees as reproduced below for information:

'...(h) Those which have received significant objections within the statutory consultation period or other such period as agreed with the CPA, from consultees or neighbouring occupiers. (For clarification, "significant" objections requiring referral must (i) raise material planning considerations; (ii) be unresolvable by amendment to the scheme or imposition of planning conditions; (iii) involve more than three objections from separate properties).*

This will also apply to applications which are objected to by means of a petition or by more than three "standard"/duplicate letter from separate people.

*[*The case officer should liaise with the team Manager, a appropriate, to confirm whether the referral to Planning and Licensing Committee is required]*

13. Notwithstanding that the full details are available on the web-site, it is accepted that the summarised information does introduce some uncertainty. Accordingly it is proposed to update this particular web page to more accurately reflect the position set out in the Constitution.

B) Information on the web-site on the final stage of the complaints procedure

14. The LGO notes that, whilst the corporate complaints procedure page on the web-site states that complainants have the right to proceed to the final stage of the County Council's complaints procedure, namely a Member Panel, this final stage is in fact at the Council's discretion as confirmed out in the complaints procedure leaflet '*Listening to You*'. Clearly there is a conflict here and it is understood that the Corporate Complaints Team are rectifying this discrepancy.

C) Planning publicity by site notice alone in the context of the Statement of Community Involvement

15. The LGO recognises that the exercise of judgment is a necessary and important part of the planning process but comments that publicising

applications by site notice alone does not sit well with the Statement of Community Involvement (SCI).

16. The SCI sets out the minimum 'must do' publicity and importantly goes on to set out additional steps the Council is likely to undertake. In the case of the first school, and bearing in mind the application was for the retention of an existing modular classroom for a further temporary period, the publicity undertaken was reasonable and compliant i.e. site notice, neighbour letters and web-site.
17. Regarding the second application, the publicity relied on a site notice and the web-site. It therefore accorded with the minimum statutory requirements set out in the Town and Country Planning (Development Management Procedure) Order 2010 although the SCI does take the position that additional publicity over and above the statutory minimum is better practice. It is relevant to note that the second application again related to the retention of existing development for a further temporary period. Accordingly, as the LGO has observed, the SCI allows for officer discretion and also states that the Council must balance the benefits of consulting everyone who might be directly or indirectly affected against the costs and practicalities of doing so. In view of the above the publicity undertaken in respect of the second application is not considered unreasonable but, nevertheless, there is considered merit in reminding relevant staff of the policies set out in the SCI.

Conclusions

18. The LGO has confirmed that there is no prospect that an investigation would establish that the actions of the Council had resulted in any significant degree of injustice to the complainant and accordingly will not begin an investigation. The suggestions the LGO has put forward do not constitute any formal recommendation but are nonetheless useful and the Council intends to take the steps outlined above.

RECOMMENDATIONS

19. It is RECOMMENDED that Members note the content of this report.

SALLY GILL
Group Manager (Planning)

Constitutional Comments (SHB – 11.05.12)

The report is for noting only so no constitutional comments are required.

Finance Comments (DJK 11.05.12)

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

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Mansfield North Councillors Joyce Bosnjak & Parry Tsimbirdis

Report Author/Case Officer

Jerry Smith

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

EP5339 COMMITTEE REPORT FOLDER REFERENCE
May 2012 – Date Report Completed by WP Operators



**REPORT OF GROUP MANAGER PLANNING
DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Purpose of this Report

1. To report on planning applications received in the Department between 01 April 2012 and 07 May 2012 and to confirm the decisions made on planning applications since the last report to Members on 24 April 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, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

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 – 10/05/2012]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [DJK – 10/05/2012]

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.

10 May 2012

For any enquiries about this report please contact:

Planning Applications Received and Determined
From 02 April 2012 to 07 May 2012

Division	Member	Received	Determined
BASSETLAW			
Tuxford	Cllr John Hemsall		Retention and operation of a blending plant and associated infrastructure Cottam Power Station, Outgang Lane, Retford. Granted 02/04/2012
Tuxford	Cllr John Hemsall		Retrospective application to retain a 'booster' unit at Bevercotes Energy Park, Land off West Drayton Avenue, Bevercotes. Granted 05/04/2012
Blyth and Harworth	Cllr Sheila Place		GRP Monitoring kiosk, Hodsock Sewage Treatment Works, Off Doncaster Road, Langold. Granted 13/04/2012
Worksop West	Cllr Kevin Greaves		Internal refurbishment, re-roofing including new roof lights and ventilation. Replacement canopy, new doors and alteration to external elevations. Outdoor terrace, pergola, bin store, new path, resurfacing of external car park, access road and external lighting. Eastgate Resource Centre, Albion Close, off Eastgate, Worksop. Granted 16/04/2012
Worksop North East and Carlton	Cllr Alan Rhodes		Change of use to inert waste screening and aggregates storage yard, Willmotts, Carlton Distribution Centre, Old Peppers Yard, Carlton Forest, Blyth Road, Worksop. Withdrawn 16/04/2012

Division	Member	Received	Determined
Misterton	Cllr Liz Yates	Variation of condition 35 of planning permission 1/32/08/00018 increasing lorry movements from 50 to 75 per day to allow for the increased amount of material to be processed through the Auckley Depot. Newington South Quarry, land south of Bawtry Road and Slaynes Lane, Misson. Received 18/04/2012	
Worksop West	Cllr Kevin Greaves		The addition of photovoltaic panel onto the roof of the library, Worksop Library, Memorial Avenue, Worksop. Granted 30/04/2012
Worksop West	Cllr Kevin Greaves		Install 2 additional dust filters adjacent to the 2 existing units on the north side of the process building, MBA Polymers UK Ltd, Sandy Lane, Worksop. Granted 03/05/2012
MANSFIELD -			
Mansfield East	Cllr Bob Cross Cllr Martin Wright		Retrospective application to retain a 'booster' unit at Toray Energy Park, Toray Textiles Europe Ltd, Crown Farm Way, Forest Town. Granted 02/04/2012
Warsop	Cllr John Allin		Retrospective application to retain a 'booster' unit at Former Warsop Main Colliery, off Carter Lane, Warsop Vale. Granted 03/04/2012
Warsop	Cllr John Allin		The installation of 2400mm high security fencing and gates, Church Vale Primary School, Laurel Avenue, Church Warsop. Granted 13/04/2012

Division	Member	Received	Determined
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbirdis		Variation of condition 8 of planning permission 2/2009/0253/NT to amend restoration phasing details Vale Road Quarry, Vale Road, Mansfield Woodhouse. Granted 01/05/2012
NEWARK & SHERWOOD			
Newark West	Cllr Keith Girling		Installation of cycle track along perimeter of the school field, Bowbridge Primary School, Bailey Road, Newark. Granted 11/04/2012
Farnsfield Lowdham &	Cllr Andy Stewart		Extension to the existing car park, Bleasby C of E School, Station Road, Bleasby. Granted 13/04/2012
Farnsfield Lowdham &	Cllr Andy Stewart		Retention of existing temporary classroom, Bleasby C of E School, Station Road, Bleasby. Granted 16/04/2012
Rufford	Cllr Les Ward	Retention of modular education building, Sherwood Pines Horticultural Unit, Forestry Holdings Road, Edwinstowe. Received 23/04/2012	
Farndon & Muskham	Cllr Mrs Sue Saddington	Retention of modular education building, Chuter Ede Horticultural Training Unit, Main Street, Balderton. Received 23/04/2012	
Blidworth	Cllr Geoff Merry		Variation of condition 2 of planning permission 3/08/00503/CMM to allow an extension of time for the completion of operations until April 2016. Rufford Sand Quarry, Former Rufford Colliery Complex, Rainworth. Granted 02/05/2012

Division	Member	Received	Determined
ASHFIELD			
Kirkby in Ashfield South	Cllr Rachel Madden		GRP Kiosk, Kirkby in Ashfield Sewage Treatment Works, Park Lane, Kirkby in Ashfield. Granted 12/04/2012
BROXTOWE			
Kimberley & Trowell Nuthall	Cllr Ken Rigby Cllr Philip Owen	Extraction of coal and fireclay by surface mining methods with restoration to agriculture, woodland, nature conservation and public amenity. Land off Cossall Road between the villages of Cossall and Trowell, referred to as the Shortwood Site. Received 02/04/2012	
GEDLING			
Calverton	Cllr Mark Spencer	Car park extension and erection of a new storage unit and relocation of one existing storage unit, Colonel Frank Seely School, Flatts Lane, Calverton. Received 05/04/2012	
Carlton East	Cllr Allen Clarke Cllr John Clarke		Erection of structure to enclose waste bale wrapping plant, Private Road 2, Colwick Industrial Estate, Colwick. Granted 13/04/2012
Calverton	Cllr Mark Spencer		Extension to existing dismantling shed & amendment to the front elevation of building currently under construction to re-incorporate office area & change to the colour grey to silver. R C Tuxford Exports Ltd, Hollinwood Lane, Calverton. Granted 30/04/2012

Division	Member	Received	Determined
RUSHCLIFFE			
Cotgrave	Cllr Richard Butler		FE monitoring cabinet, Cropwell Bishop Sewage Treatment Works, Cropwell Bishop Road, Cropwell Bishop. Granted 04/04/2012
Soar Valley	Cllr Lynn Sykes	Resubmission of application for the construction of a leisure marina comprising marina basin with 553 leisure moorings and ancillary buildings, associated vehicle parking, landscaping and infrastructure and the incidental excavation and removal of minerals. Red Hill Marina, Ratcliffe-on-Soar. Received 19/04/2012	
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. Received 30/04/2012	
Cotgrave	Cllr Richard Butler	To vary condition 3 of planning permission 8/09/02117/CTY to retain 3 cavity vents and to cover the installation of 3 air condition units, Cotgrave Candleby Lane School, Candleby Lane, Cotgrave. Received 04/05/2012	

Schedule of action required by Committee

Date of Committee Resolution	Proposal	Action required	Date for future report	Current status
05/07/2011	Meet Officer/Member at Bassetlaw District Council to achieve greater co-ordinated approach where proposals may involve minerals development.	Arrange meeting	TBC	Chair and Officers attended meeting with Chair and Officer from Bassetlaw DC on 17 October 2011. Issues arising from recent cases discussed and agreed that NCC Officers would prepare a draft protocol to assist all parties with future development proposals which may involve elements of County Matters.

EP5338

22 May 2012

Agenda Item: 13

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, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the committee's work programme be noted

Sally Gill
Group Manager, Planning

For any enquiries about this report please contact: Keith Ford, Senior Democratic Services Officer

Constitutional Comments (KK 10/5/12)

7. The proposal in this report is within the remit of Committee.

Financial Comments (PS 2/5/12)

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>
June 2012	3/12/00377/CMA	Cottage Lane, Collingham, Near Newark	To construct a new 15 space car park, together with 2 passing places on existing track, solar operated gate and signage. Surfacing of an existing public footpath with new footbridge.
July 2012	4/V2012/0127	Land adjacent to Shenton Lodge, Derby Road, Kirkby in Ashfield	Receipt, processing, screening/crushing and disposal of inert waste material at land to the east of the A611 and its restoration to ecological and recreational use.
September 2012	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.
September 2012	1/38/12/00001	Cottam Power Station, Outgang Lane, Cottam	Disposal of pulverised fuel ash (PFA) by means of land raising on South Lagoons and maintaining PFA disposal operations in the South Coal Stocks Ash Lagoon.
September 2012	1/12/12/00001	Cottam Power Station, Outgang Lane, Cottam	Variation of conditions 6, 7, 20, 29, 31, 36, 37 and 38 of planning permission 1/12/06/00002 to amend end dates for restoration and disposal of Pulverised Fuel Ash (PFA).
September 2012	4/V/2012/0096	Former Bentinck Tip Site, Park Lane, Kirkby in Ashfield	The restoration of the former Bentinck Tip site using site derived and imported restoration materials to create a range of outdoor recreational facilities including an equestrian centre, football pitches,

			golf course, driving range, camping grounds, fishing pond, and adventure play area, including landscaping, planting, ecological enhancements and the installation and operation of two wind turbines to provide the facilities with renewable energy.
September 2012	Application not yet submitted	Big House, Edwinstowe	Replacement respite centre.
October 2012	1/60/12/00001	Welbeck Colliery, Meden Vale, Mansfield	Proposed restoration of the northern part of Welbeck Colliery spoil heap involving the importation of circa 1.9 million cubic metres of suitable engineering fill, recovered aggregates and other suitable materials, including wastes such as pulverised fuel ash, third party soils and stone.
October 2012	Application not yet submitted	West Bridgford House	Key Stage 1 New School (Heymann Annexe)
October 2012	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

Other Key Applications/Submissions in system but not timetabled to a committee yet:-

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
5/12/00015/CCR	Chilwell College House Junior School, Cator Lane, Beeston.	Erection of security fencing and gates
3/11/01826/CMA	Thoresby Colliery, Edwinstowe	Amendment and extension of colliery spoil disposal scheme
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 scrapyard, 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
5/12/00122/CCR	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.
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.

