

## **Planning and Licensing Committee**

**Tuesday, 30 September 2014 at 10:30**

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

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### **AGENDA**

- |    |  |           |
|----|--|-----------|
| 1  | Minutes of the last Meeting 15 July 2014   | 5 - 10    |
| 2  | Apologies for Absence  |           |
| 3  | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |           |
| 4  | Declarations of Lobbying.  |           |
| 5  | Approved Premises Report   | 11 - 18   |
| 6  | The Newark Academy London Road New Balderton Newark  | 19 - 86   |
| 7  | Retrospective use of site for recycling of inert materials Wigwam Lane Hucknall Oakfield Recycling L   | 87 - 122  |
| 8  | Daneshill Lakes Local Nature Reserve Daneshill Road Near Lound Retford   | 123 - 142 |
| 9  | Request for Local Action Group Special Prestation  | 143 - 146 |
| 10 | Development Management Progress Report   | 147 - 160 |
| 11 | Work Programme   | 161 - 166 |

**NOTES:-**

**(1) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-**

**Customer Services Centre 0300 500 80 80**

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

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

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

**(4) This agenda and its associated reports are available to view online via an online calendar -  
<http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>**

**Notes**

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

**Customer Services Centre 0300 500 80 80**

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



the nature of their interest and the reasons for the declaration.

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

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



|         |   |
|---------|---|
| Meeting | PLANNING AND LICENSING COMMITTEE              |
| Date    | Tuesday 15 July 2014 (commencing at 10.30 am) |

**membership**

Persons absent are marked with 'A'

**COUNCILLORS**

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

Roy Allan  
Richard Butler  
Steve Calvert  
Steve Carroll  
Jim Creamer

A Rachel Madden  
Andy Sissons  
Keith Walker  
Yvonne Woodhead

**ALSO IN ATTENDANCE**

Councillor Maureen Dobson  
Councillor Bruce Laughton  
Councillor Liz Yates

**OFFICERS IN ATTENDANCE**

David Forster – Democratic Services  
Jerry Smith – Team Manager, Development Management  
Sally Gill – Group Manager Planning  
David Marsh – Major Projects Leader  
Mike Hankin – Planning Applications Senior Practitioner  
Sue Bearman – Solicitor

**CHANGE IN MEMBERSHIP**

The Clerk reported orally that Councillor Steve Carroll had been appointed to the Committee in place of Councillor Sybil Fielding for this meeting only

**MINUTES OF LAST MEETING HELD ON 17 JUNE 2014**

The minutes of the meeting held on 17 June 2014 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

## **APOLOGIES FOR ABSENCE**

There were no apologies for absence

## **DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS**

There were no declarations of Interest

## **DECLARATIONS OF LOBBYING OF MEMBERS**

There were no declarations of Lobbying

Following a technical problem the order of business was changed to take agenda item 7 next.

## **EXTENSION TO END OF LIFE VEHICLE DEPOLLUTION AND DISMANTLING OPERATIONS AND STORAGE – GLEN BARRY METALS LANGAR NORTH TRADING ESTATE**

Mr Smith introduced and took members through the report.

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

### **RESOLVED 2014/032**

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

## **LAND AT LANGFORD QUARRY NEWARK ROAD NR COLLINGHAM NEWARK – LAFARGE TARMAC LIMITED**

Mr Hankin introduced the report and highlighted the fact that the application site is not allocated for minerals extraction within the adopted Minerals Local Plan however it is proposed to be included in the new Plan which is to come before Council this year. He also highlighted the fact there will not be an impact on the vehicular movements on the site.

Following the introductory remarks by Mr Hankin there were a number of speakers who were given an opportunity to speak and a summary of those speeches are set out below:-

Mrs Patricia Richards, Chairman of Holme Parish Council and Chairman of Holme Bank Land Trust, spoke against the application and highlighted the following:-

- Holme Parish Council raises objections to the development and would like to see compromise and compensation for the disruption to a quiet small village like Holme.

- Issues around dust pollution are a concern with the current operation causing dust nuisance including a dust storm recorded in 2010
- The visual intrusion will be significant for some properties and there should be consultations with the owners to ensure suitable landscaping is in place if the application is allowed.
- Light pollution would be an issue with the installation of 6 powerful floodlights recently
- Restoration concerns by the removal of agricultural landscape and replacing it with wetlands also that the RSPB assume they will have 600 hectares of wetlands across the area. This in turn will further isolate villages.
- Soil quality could be an issue for neighbouring landowners caused through the extraction in the quarry
- Cultural Heritage - the site is 350m from a Scheduled Ancient Monument and there are assurances needed to ensure there is sufficient distance between the monument and the extraction area.
- Socio-economic and the intentions of the applicant with regard to contributions to community facilities.
- The need to understand who owns the company is also a concern for the residents of Holme as negotiations with one company may not be considered by the new company owners.

In response to a question by the Vice Chairman on an issue raised by Mrs Richards with regard to the Wetlands Mr Hankin replied that the RSPB had an aspiration to develop 600 hectares of wetlands from future minerals development in the area which may come forward from the emerging Minerals Plan rather than the current planning application which relates to a considerably smaller area of wetland habitat

Mr Tim Deal, applicant and Manager of the Langford site, spoke in favour of the application and highlighted the following issues:-

- The site is a very well managed site and the management has worked very well with the local Community over the years.
- There have been public exhibitions in the villages of Collingham and Holme about the proposals
- There is a need for good access to the A1 and the site already has this
- This application will extend the quarry's working life by 3 years
- The dust storm mentioned previously was due to atmospheric conditions and the wider landscape - it was not an issue with the quarry in isolation.
- Landscaping will not be an issue as discussions will be held with those most affected about the best way forward.

There were no questions

Councillor Maureen Dobson, local member spoke in favour of the application and highlighted the following:-

- The fears of the site being an eyesore and noisy were ill founded and it is felt within the community that it is a well-managed site.

- The issues around the dust storm were a joint factor of arable land and weather conditions which caused the problem not just the quarry however there is an issue with the speed that planting takes place to make the site aesthetically acceptable.
- Holme residents would like to ensure that the light pollution issues could be considered at the earliest opportunity
- The villages of Holme and Langford residents want the best for both villages with regard to the development of the site.
- The current Liaison Committee works well and hope it continues.

In response to issues raised Mr Hankin responded as follows:-

- Planting will be undertaken at the earliest opportunity if possible during the next planting season
- Light pollution is being looked at - with no new floodlights have been erected and night vision security cameras are being trialled for security measures to reduce the need of floodlights.
- The continuation of the Liaison Committee could form part of the Section 106 Agreement.
- The land in the Trent Valley has a high water table once minerals are extracted the voids fill with water to create lakes upon restoration. Backfilling with inert waste is unlikely due to the availability of material and potential pollution.

Following debate and on a motion by the Chairman, seconded by the Vice-Chairman it was:-

### **RESOLVED 2014/033**

1. That the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to:
  - a. Regulate lorry routeing to and from the site and ensure that delivery vehicles do not traffic through Collingham Village.
  - b. Secure off-site structural landscape works with the aim of minimising visual impacts from surrounding locations and is commenced as soon as possible in the autumn.
  - c. Secure water monitoring and mitigation of potential negative impacts resulting from quarry dewatering within the Langford Marsh LWS.
  - d. That the Langford Liaison Committee continues as part of the development of the site.
2. That subject to the completion of the legal agreement before the 28th August 2014 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant

planning permission for the above development subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not signed by the 28th August 2014, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

### **EXTENSION, EXTERNAL WORKS, CAR PARKING, FENCING & GATES - RICHARD BONNINGTON PRIMARY & NURSERY SCHOOL, ARNOLD**

Mr Smith introduced and took members through the report and gave a slide presentation and highlighted the national policy statement attached as appendix 1.

Following the introductory remarks and slide presentation by Mr Smith there were a number of speakers who were given an opportunity to speak and a summary of those speeches is set out below:-

Mr Johnson, local resident spoke against the application and highlighted the following issues:-

- The path is only 2 meters away from the boundary and overlooks his kitchen window.
- If the proposed window is allowed then it will overlook the garden privacy will be compromised with additional noise levels
- There is a larger area to the rear of the school which would cause less disruption to properties that back onto the school.
- Parking will be a problem with more children attending the school.

In response to questions and comments Mr Marsh replied as follows:-

- The playing fields to the rear of the school were not an option due to restrictions that would be created on the site.
- A noise assessment has been undertaken at the site which did not include an acoustic fence and the levels were acceptable.
- The pathway on the edge of the site will be landscaped to compensate for loss of privacy.

Mr Broadhurst, local resident spoke against the application and highlighted the following issues:-

- Been a resident for 30 years and enjoy the surrounding area because of the open space between the house and the school this will change that view.
- There will be a significant increase in noise and traffic in the area.
- The proximity to the build will have a significant effect on privacy.

There were no questions.

Following the speakers, members discussed the item and the following comments were responded to:-

- There are 10 additional cycle parking bays proposed on the site
- As part of the recommended conditions there is a need for a travel plan to be developed.

Following debate and on a motion by the Chairman, seconded by the Vice-Chairman it was:-

**RESOLVED 2014/034**

That planning permission be granted subject to the conditions as set out in appendix 1 attached to the report

**DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Mrs Gill reported orally that the Council had recently heard that the Secretary of State for Communities and Local Government had not called in the application for Shortwood.

**RESOLVED 2014/036**

That the Development Management Progress Report and appendix be noted

**WORK PROGRAMME**

**RESOLVED 2014/037**

That the Work Programme reported be noted

The meeting closed at 12.20 am.

**CHAIRMAN**



**30<sup>th</sup> September 2014****Agenda Item:5****REPORT OF THE  
SERVICE DIRECTOR FOR ACCESS AND PUBLIC PROTECTION****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 registration of civil partnerships.

**Information and Advice**Background

2. Current legislation allows the solemnization of marriages (for any couple) and the formation of civil partnerships (for same-sex couples only) to take place in venues other than register offices. The County Council is concerned with approval of:
  - Secular premises for civil marriages and civil partnerships
  - Religious premises for civil partnerships
3. Secular premises such as historic or romantic buildings, including 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 this can be done without compromising the fundamental principles of English law and Parliament's intention to maintain the solemnity of the occasion.
4. To be approved, a venue must be a permanently immovable structure comprising at least one 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 to be approved by the County Council it cannot be a 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.
5. There are currently 69 Approved Premises in Nottinghamshire (a net increase of one since last year), and these are listed in Appendix A to this report. The fee for

approval of a premise is included in the set of registration fees, which is reported annually to the Community Safety Committee for consideration and approval.

### Civil Partnerships in Religious Premises

6. The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 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. However, at present there have been no applications for a religious building in Nottinghamshire to be licensed for Civil Partnerships.

### Procedures

7. 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.
8. The registration service 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' (Fifth Edition, Revised May 2014). 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**

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

## **Financial Implications**

10. There are no financial implications contained in this report.

## **RECOMMENDATION/S**

- 1) 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.

**PAUL MCKAY**

## **Service Director, Promoting Independence and Public Protection**

### **For any enquiries about this report please contact:**

Robert Fisher

Group Manager, Emergency Planning and Registration

Tel: 0115 977 3681, Email: Robert.fisher@nottsc.gov.uk

### **Constitutional Comments**

11. As this report is for noting only, no constitutional comments are required.

### **Financial Comments**

12. There are no financial implications arising from the report.

### **Background Papers**

The Registrar General's Guidance to Authorities for the approval of premises as venues for civil marriage and civil partnerships' (Fifth Edition, Revised May 2014)

### **Electoral Division(s) and Member(s) Affected**

All



### List of Approved Premises in Nottinghamshire

| Premises name                    | Location                                   |
|----------------------------------|--|
| Beeston Fields Golf Club         | Wollaton Road, Beeston                     |
| Bestwood Lodge Hotel             | Bestwood Country Park, Arnold              |
| Blackburn House,                 | Brake Lane, Boughton, Newark               |
| Blotts Country Club              | Adbolton Lane, Holme Pierrepont            |
| Bramley Suite                    | The Bramley Centre, King Street, Southwell |
| 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               |
| County House                     | Chesterfield Road South, Mansfield         |
| Deincourt Hotel                  | London Road, Newark                        |
| DH Lawrence Heritage Centre      | Mansfield Road, Eastwood                   |
| East Bridgford Hill              | Kirk Hill, East Bridgford                  |
| Eastwood Hall                    | Mansfield Road, Eastwood                   |
| Elms Hotel                       | London Road, Retford                       |
| Forever Green Restaurant         | Ransom Wood, Southwell Road, Mansfield     |
| Full Moon                        | Main Street, Morton, Southwell             |
| 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 |
| Langar Hall                      | Langar                                     |
| Leen Valley Golf Club            | Wigwam Lane, Hucknall                      |

| <b>Premises name</b>                  | <b>Location</b>                            |
|---------------------------------------|--|
| Lion Hotel                            | 112 Bridge Street, Worksop                 |
| Mansfield Manor Hotel                 | Carr Bank, Windmill Lane, Mansfield        |
| 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                             |
| Papplewick Pumping Station            | Off Longdale Lane, Ravenshead              |
| Portland College                      | Nottingham Road, Mansfield                 |
| Ramsdale Park Golf Centre             | Oxton Road, Calverton                      |
| Retford Town Hall                     | Market Square, Retford                     |
| Richard Herrod Centre                 | Foxhill Road, Carlton                      |
| Ruddington Grange Golf Club           | Wilford Road, Ruddington                   |
| Rufford Park Golf and Country Club    | Rufford Lane, Rufford, Newark              |
| Saracens Head Hotel                   | Market Place, Southwell                    |
| Sherwood Forest, Oak Room             | Sherwood Forest Visitor Centre, Edwinstowe |
| Southwell Racecourse                  | Rolleston                                  |
| Sutton Bonington Hall                 | Main Street, Sutton Bonington              |
| Swancar Farm Country House            | Trowell Moor, Trowell                      |
| The Carriage Hall                     | Station Road, Plumtree                     |
| The Gilstrap                          | Castle Gate, Newark                        |
| The Mill, Rufford Country Park        | Ollerton, Newark                           |
| 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                       |
| The Riding Hall                       | The Courtyard, Thoresby Park               |
| The Rowan Suite                       | Chancery Lane, Retford                     |

| <b>Premises name</b>           | <b>Location</b>                      |
|--------------------------------|--------------------------------------|
| The Secret Garden              | Lancaster Road, Gringley on the Hill |
| The Victoria Suite             | Memorial Avenue, Worksop             |
| The Workhouse                  | Upton Road, Southwell                |
| Thrumpton Hall                 | Nottinghamshire                      |
| 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               |
| Worksop Masonic Hall           | Potter Street, Worksop               |
| Worksop Town Hall              | Potter Street, Worksop               |
| Ye Olde Bell Hotel             | Barnby Moor, Retford                 |





**30 September 2014****Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/01269/FULR3N**

**PROPOSAL:** ERECTION OF THREE STOREY REPLACEMENT SCHOOL, SPLIT LEVEL SINGLE AND TWO STOREY SPORTS BUILDING, REPLACEMENT SPORTS PROVISION INCLUDING NEW FLOOD LIT MULTI-USE GAMES AREA (MUGA), CAR PARKING, CYCLE PARKING, LIGHTING AND CCTV, ALTERATION TO PEDESTRIAN ACCESS AND LANDSCAPING WITH REUSE OF EXISTING WELD MESH SECURITY FENCE AND 2.4M HIGH NEW WELD MESH SECURITY FENCING.

**LOCATION:** THE NEWARK ACADEMY, LONDON ROAD, NEW BALDERTON, NEWARK

**APPLICANT:** THE SECRETARY OF STATE, NCC CHILDREN, FAMILIES & CULTURAL SERVICES AND THE NEWARK ACADEMY

**Purpose of Report**

1. To consider a planning application for the demolition of buildings at Newark Academy, London Road, Balderton, and the erection of a three-storey replacement school building with associated sports hall and replacement outdoor sports pitch provision. The key issues relate to loss of playing field and adequate sports pitch re-provision, highway impact, and potential impact on the amenity of neighbouring properties.
2. The recommendation is to approve the development subject to a unilateral undertaking and the conditions set out in Appendix 3.

**The Site and Surroundings**

3. The Newark Academy (the application site) is a secondary school situated to the east of London Road, New Balderton (B6326) approximately 2.2km to the south-east of Newark town centre, set within a site of approximately 15.7ha (Plan 1). The school presently operates on two school sites. All students are principally educated at the application site (formerly Grove School) and are transported by mini-bus to the former Lilley and Stone School site 1.7km to the north-west for education and sports activities. The existing school buildings on the former Grove School site have a floor area of 7796m<sup>2</sup>.

4. The application site, with a frontage of approximately 115m to London Road is roughly triangular in shape. It is bounded to the north by Grove Leisure Centre and associated car parking principally forward of the building towards London Road, Grove House which is a vacant late Victorian villa, coach house and gardener's cottage, and a watercourse beyond which lies recent residential estate development and allotments. Grove House was formerly Nottinghamshire Learning Centre (NLC), a pupil referral unit for excluded students also providing student support for the wider Newark area. The former NLC is a non-designated heritage asset and stands in its own lawned grounds (not part of the application site) and the wider parkland setting of school playing fields to the east of the Leisure Centre. The coach house and gardener's cottage, approximately 120m to the north-east of the NLC, and separated by a walled garden, are used as a depot by NCC Landscape Maintenance Organisation (LMO). Orchard Special School, providing Key Stage 4 and 5 (ages 14-19) education is located to the north of the watercourse and is accessed from London Road approximately 100m to the north of the application site entrance.
5. The east-coast railway line runs on an embankment along the north-east site boundary. Residential development dating from the 1970s adjoins the site to the east and south-east while Town Council playing fields, including a bowling green, and residential development (a mixture of Victorian terrace and recent terrace and semi-detached houses) on Smith Street lie to the south. Residential development fronts the west side of London Road opposite the application site.
6. The principal school buildings, built between 1955 and 1974 are of single-storey Hallam (timber framed) construction, or two-storey and single-storey CLASP construction, set back approximately 100m from the London Road frontage. At its closest, two-storey development lies 16.5m and single-storey CLASP lies 12m from the boundary with houses on Smith Street. Temporary classrooms are erected at the school, the closest of which is sited 2.5m from the southern site boundary.
7. A floodlit all-weather sand-based playing surface in poor condition is surrounded by a running track used by Newark Athletic Club and is situated to the east of the school buildings. An un-fenced hard court/play area and cricket nets are located to the north of the running track. Other specialist sports are accommodated on the playing fields. With the exception of man-made landscape soil mounding between the school and the running track, and between the running track and the southern site boundary, the site is generally flat. Land to the north and east of the running track is laid out as playing fields. Trees within the playing fields create a parkland setting for the school.
8. Mature trees are established along the boundary between the school and residential properties on Smith Street, returning along the London Road frontage with a mainly grassed area separating the school from the highway. A belt of mixed tree/hedge planting is established adjacent to the staff car park which is located forward of the school buildings towards London Road.

9. To the west of the school buildings a former caretaker's property, refurbished and used by the school as an intervention centre during school hours, is bounded by the site access/egress road and screened by mature trees.
10. The school shares access with the Grove Leisure Centre, which includes a public swimming pool, run by Newark and Sherwood District Council. Leisure centre run squash courts are situated close to the existing school buildings with an electricity sub-station sited to the west (Plan 2).

#### Access and Movement

11. London Road, a main commuter road between the A1 and Newark town centre is subject to a 30mph speed limit at the point at which it passes the Grove School site and fixed speed cameras are in operation. There are no School – Keep Clear road markings on London Road, although signs warn drivers that they are entering a school zone. There are double yellow lines marked on both sides of the carriageway on London Road in proximity to the school.
12. Vehicular access to the school, leisure centre, Grove House and LMO is via a one-way loop road at the northern end of the London Road frontage, exiting onto London Road centrally on the site frontage. The entrance and exit points lie 45m apart.
13. There is a footway on the southern side of the entrance road within the site, although there is evidence that the verge on the northern side of the road, as well as an informal direct route across grass between the school entrance and London Road adjacent to The Grove public house, are walked by pedestrians. The main student entrance is on the north side of the school, to the east of the squash courts and opposite the Grove Leisure Centre building.
14. Public Footpath (FP) Balderton No. 17 crosses the site, running south from the Leisure Centre and to the west of the school before emerging onto Smith Street opposite the junction with Groveview Road (Plan 2). FP No.23 runs along the southern side of the loop road on the alignment of the existing footway before joining London Road.
15. The Academy has 78 parking spaces (including one disability parking space) located close to the existing school buildings. The drive running between the leisure centre building and the school/squash courts is used to gain maintenance access to the school playing fields. The drive is also used to gain access to the NLC which has space to park 15 cars, but lies outside of the application site.
16. A 139 space car park (including five disability parking spaces) used principally by visitors to the leisure centre but also informally for student drop-off and pick-up is located to the west of Grove Leisure Centre towards London Road. A further two parking spaces and three disability parking spaces with signage identifying them as being for use leisure centre use only lie opposite the student entrance to the school. The car parking associated with the leisure centre lies outside the site subject of this application.

17. A bus waiting area for five buses is provided on the southern (exit) side of the loop road and is used for the transport of students between the school sites, school bus services (four buses), and by buses bringing children to the swimming pool at the Leisure Centre. The site is well served by public transport along London Road with bus stops (northbound and southbound) a maximum of 120m either side of the site entrance.
18. A total of 37 student cycle stands and five covered staff cycle spaces are provided. In addition, cycle parking takes place indiscriminately throughout the site with cycles, in places, secured to railings, suggesting that provision for cycles does not meet demand or that facilities are inappropriately located within the site.
19. London Road has on-road and dedicated off-road cycle paths on both sides of the carriageway linking to Newark town centre, residential areas in New Balderton and a wider cycle network. A Toucan crossing is located on London Road 200m to the south of the school. Several pedestrian refuges are provided in the centre of the carriageway outside and to the north of the school on London Road.

#### Use and Employment

20. The Newark Academy, across the two school sites, has a design capacity for 1665 students, although the current school roll is 743 pupils (May 2014) including 36 Post-16 pupils. Teaching staff travel between the two school sites and overall 117.5 full-time equivalent staff are employed. The school catchment has historically included New Balderton, urban areas to the south-west of Newark, and rural areas including the settlements of Farndon, Collingham, East Stoke and Cotham.
21. The school teaching day is between 08:45 -15:20 hours Monday – Friday, with extended school hours (Breakfast Club/Homework Club) between 07:00 – 19:00 hours Monday – Friday.
22. The community has access to school facilities and the playing fields outside of school hours with lettings arranged through Grove Leisure Centre until 22:00 hours. At present, it is advised that the only reservation held for the field is by Newark Athletic Club (Tuesday and Thursday 18:30 – 20:30 hours), and may require the use of floodlighting. There are no restrictions on the hours of use of outdoor lighting and the running track could be floodlit until 22:00 hours when in use.

#### Ecology

23. Bat roosts have been identified in the east facing structure of existing CLASP school buildings.

#### Flood Risk

24. Although an initial Level 1 Flood Risk Assessment indicated that an area within the boundary of the site may be at high risk of flooding, further investigation

has established that the area of high flood risk lies outside of the application site.

## **Proposed Development**

### **Background and Planning History**

25. Nottinghamshire County Council (NCC) has been successful in bidding for funding to replace 12 schools throughout the County through the Priority Schools Building Programme in partnership with the Education Funding Agency. Background information to the programme, including details of the successful schools is attached (Appendix 1).
26. Application reference 3/09/01814/OUTR3N (March 2010) granted outline planning permission for the erection of a replacement school (combining the former Grove School and Lilley and Stone School on a single site) within a build zone similar to that now proposed. Although expressed in outline, the application included the erection of a replacement secondary school including a Post-16 with a student body of 1270. At the time of the application, the school had 950 students in Years 7-11 based at the former Grove School site. A condition of the planning permission required that no development was to commence until proposals for the provision of alternative appropriate facilities to mitigate the loss of the running track, including details of the quality, location and a timescale for the provision of such facilities, had been submitted to and approved in writing by the CPA. The proposal was brought forward under the Building Schools for the Future programme. The permission was not implemented and has now lapsed.
27. Newark and Sherwood District Council has granted planning permission (application reference 14/00402/FULM – May 2014) for the erection of a new leisure centre, including a pool hall, sports hall, two squash courts, fitness suite, two exercise studios, cafe, changing rooms and associated administration rooms, car park and for the formation of new access road on land at Bowbridge Road, Newark, 1km to the west of the application site.
28. The applicant advises that there is ambition to provide outdoor sports facilities on land adjoining the new leisure centre development on the site of the former RHP sports ground and adjoining land which is being acquired by the District Council. Proposed facilities could include two football pitches (one with a grandstand), an artificial pitch, athletics track and field facilities, 1.1km cycle track, outdoor and indoor tennis courts, and netball courts, creating a sports hub for Newark.
29. Newark Town Council has committed to make a financial contribution of £500,000 towards the sports hub project. The intention of the District Council is that when land assembly has been completed and a revised Playing Pitch Strategy has been adopted (anticipated September 2014), the site would be leased to Newark Sports Association or to a similar organisation in order to carry out the sports hub development. This would have the advantage that Newark Sports Association would be able to attract third party funding

particularly from the National Governing Bodies of Sports Associations which would not be available to the District Council or Town Council.

30. Newark and Sherwood District Council, at their meeting of the Leisure and Environment Committee held on 2 September 2014, resolved to enter into a memorandum of understanding with Newark Sports Association relating to the proposed development of the sports hub. A planning application has not been submitted for the sports hub.
31. The Academy presently uses facilities at Grove Leisure Centre. The site and buildings are owned by NCC but the Grove Leisure Centre is operated by Newark and Sherwood District Council through a Joint Use agreement. Newark & Sherwood District Council envisage that the new leisure centre (application reference 14/00402/FULM) on Bowbridge Road is to be operational in Spring 2016, at which point the District Council would cease operation of the Grove Leisure Centre, and the site would be returned to the County Council.

#### Student/Staff Numbers and Built Development

32. Existing school buildings are of Hallam and CLASP construction, in generally poor condition, and are difficult to adapt to provide facilities suitable for modern learning and teaching. It is proposed that the buildings are replaced by a new school building and detached sports hall.
33. Planning permission is sought to erect an 8-form entry secondary school (ages 11-18), designed to accommodate 1360 students including a 160 place Post-16. The Newark Academy would be consolidated on a single site and the overall Academy capacity overall would reduce by 305 places. The former Lilley and Stone site would be returned to the owners, the Lilley and Stone Trust. The trustees would determine future use of the site. Any planning application for development at the site would be determined by Newark and Sherwood District Council.
34. The Academy would operate an extended school day from 07:00-19:00 as at present, with the community able to use of the sports hall and facilities until 22:00 hours. 150 staff (full-time equivalent) would be employed.
35. A three-storey rectangular building with a footprint of 75m x 46m, providing 8841m<sup>2</sup> of floorspace, would be erected to the east of the existing CLASP school buildings generally on the site of the running track and sand-based all-weather surface. The building would feature an internal open courtyard with a specimen silver birch tree planted in an elevated planter. Mounds to the rear of the existing school buildings and adjacent to the southern site boundary would be retained. The school building would be sited approximately 250m from London Road, 82m from the southern site boundary (90m from the nearest house on Smith Street) and approximately 100m at closest from Grove House.
36. The building, 11.25m in height, would be of flat roof construction and faced with a red facing brick. Dark grey coloured aluminium window frames would incorporate louvres. The window openings would give the elevations a uniform



regimented appearance. Building stairwells would stand proud of the building incorporating full height glazing and coloured panels.

37. The principal building entrance facing towards London Road would be recessed and defined by a canopy. School signage, which may require separate Advertisement Consent from Newark and Sherwood District Council, would be displayed at second to third floor level on the brick elevation adjacent to the entrance.
38. Roof-top plant which would be set back from the roof edge, enclosed by a 1.1m high guardrail and partially screened by the brick parapet of the school building. The air handling unit (12.8m) would be sited centrally on the roof while twin boiler flues would project up to 13.5m above ground level.
39. Classrooms would be provided on three floors, generally positioned on external facing elevations linked by a corridor running around the internal open courtyard and central school hall/dining area. Classrooms and specialist areas for *Discovery*, *Culture* and *Enterprise* would be grouped together throughout the building. Learning Resource and Careers and Special Educational Needs areas would be provided at third floor level around an open courtyard accessible as a break-out area for students.
40. A detached sports hall, activity and fitness studios with associated changing facilities, with a floor area of 1210m<sup>2</sup>, would be provided in a detached building with a footprint of 40m x 34m, sited to the north-west of the new school building and linked by a covered way. At closest the sports hall and school would stand 4.5m apart and the sports hall would be sited approximately 70m from Grove House.
41. The sports hall, 10m in height, would be faced in brick to match the school building at ground floor level with colour coated metal composite panel walling above. Three roof cowls, a maximum height of 11.5m above ground level, would be positioned symmetrically along the length of the sports hall roof. The area of the building to be used as fitness/activity studios would be 5.8m in height with the changing and storage areas 4.5m in height. The air handling unit to be installed on the roof above the stores building would be screened by a parapet wall on the elevation facing towards London Road.
42. Secure cycle parking for 300 cycles enclosed by 2.4m high weldmesh fencing, 80 of which would be covered, would be provided to the west of the sports hall. An adjoining sprinkler tank and pump house would be enclosed on its north and western sides by a 3.5m high timber screen.
43. A multi-use games area (approximately 47m x 37m) enclosed by 3.0m high weldmesh fencing would be provided to the north of the sports hall. The area would be floodlit by lighting installed on 6m high columns. The multi-use games area at closest would be positioned 60m from Grove House and 130m from the nearest house on Glebe Park. 2.4m high security weldmesh fencing would extend westward from the multi-use games area to join the boundary with Grove House. The multi-use games area would be available for hire by the community and could be lit until 22:00 hours.

44. An unlit area of hard play approximately 35m x 32.5m would be provided to the north of the multi-use games area.
45. The school kitchen would be provided in the south-west corner of the new school building. A service area, secured by 2.4m high weldmesh fencing and a secure bin store and mini-bus parking area enclosed by 2.4m high timber fencing would be provided adjacent. The mini-bus parking area would be a minimum of 75m from the nearest house on Smith Street and the area would be visually screened by the retained earth mound adjacent to the southern site boundary.
46. An outdoor dining terrace and an allotment/food technology area would be provided adjoining the southern elevation of the school.
47. Following occupation of the new buildings, existing school buildings, including squash courts, would be demolished. An electricity sub-station adjacent to the squash courts would be retained.

#### Access, Car Parking and Pedestrian Movement

48. Vehicular access and egress from London Road would remain largely as at present, other than a minor modification to the northern side of the entrance. Although not forming part of the application site, vehicular access would continue to be provided to The Grove Leisure Centre, Grove House and the LMO. One additional bus set-down and pick-up space would be provided on the southern side of the exit drive.
49. Although the car park at the Grove Leisure Centre would be available for drop-off and pick-up by parents, they would do so on an informal basis.
50. Following demolition of the squash courts, a vehicle circulation area would be provided around the retained sub-station, with five places for parent drop-off and pick-up provided parallel to the main pedestrian entrance route to the school.
51. An access road (permitting two-way traffic movement) would be provided adjacent to the Grove Leisure Centre, providing vehicular access to two areas of staff parking (57 spaces), 10 visitor car parking spaces and five disability parking spaces. The parking areas would be provided 35m to the south and south-east of Grove House and would lie 60m from the main school entrance with disability parking spaces provided closest to the school building.
52. An existing area of staff car parking at the front of the school, would be retained, modified and enlarged to provide 36 parking spaces. The car park would be located approximately 160m from the new school building. Service traffic for deliveries, access to school kitchens and refuse collection vehicles would pass through the car park before turning eastward along a dedicated service road leading to a turning head adjacent to the south-west corner of the school.
53. The path on the southern side of the entry access road from London Road would be removed and a 3.0m wide path suitable for shared use by both



pedestrians and cyclists would be provided on the northern side of the carriageway. Bollards or some other means by which to prevent vehicles from driving up the kerb and parking on the pedestrian/cycle route would be provided although the detail has not been provided in the submission. A new pedestrian path from The Grove public house on London Road to the bus set-down and pick-up area would be provided, following the alignment of the well walked route across the area of grass and mature trees adjacent to the site frontage. Retained security fencing between properties on Smith Street and the existing school car park (which would be bounded by a new hedge) would deter pedestrians from trying to gain access to the school along the school service road.

54. Pedestrian/cycle routes to the school building within the site would cross roads at two points on raised platforms, and would be designed to give priority to pedestrians. The raised platforms would be provided on the alignment of FP 17. Three pedestrian routes into the site from London Road and the public footpath from Smith Street would converge within the site, and a 4m wide path shared by pedestrians and cycles would run parallel to a grassed area to be reserved as future potential playing pitch (Paragraph 60), leading to an arrival plaza in front of the school building and sports hall entrance.

#### Replacement Sports Provision and Community Use

55. The siting of new built development would result in the loss of the existing sand-based all-weather pitch and the training running track surrounding it. The joint applicants have engaged with Newark & Sherwood District Council, Newark Athletic Club and Sport England to determine how temporary and permanent replacement facilities are to be provided in the context of assisting the various sports clubs and associations achieve their aspiration of a new Sports Hub in Newark.
56. The applicant advises that The Newark Academy is committed to supporting their community and wherever possible by making their current and proposed facilities available to the community. On commencement of building work The Newark Academy and the contractor would provide access to suitable athletics provision on the remainder of the school playing field. This would include a marked grass running track and suitable lighting.
57. The applicant accepts the need to re-provide sports facilities in mitigation for outdoor sports facilities that would otherwise be lost. The applicants wish to support the longer term aspiration of the local sporting associations to develop a new local Sports Hub providing extensive and enhanced facilities for the local community. As the necessary land acquisitions and funding necessary to secure this Sports Hub development are not yet in place NCC, as joint applicant to this proposal, proposes to commit through a unilateral undertaking to provide a contribution capped in the sum of £1,000,000 towards the provision of a new athletics track and all-weather pitch at the Sports Hub. The unilateral undertaking has not yet been sealed as work is currently being undertaken to determine appropriate triggers at which stage funding would be released.

58. It is proposed that should the Sports Hub development not be commenced within 5 years of the existing facilities becoming unavailable through the building of the school building subject of this application, and it is agreed by all parties that the Sports Hub aspiration can no longer be pursued, Nottinghamshire County Council have agreed with The Newark Academy that the County Council would provide an appropriate all-weather pitch and athletics running track on the application site to meet the curriculum requirements of the school, which would be made available to the community in line with the community philosophy of The Newark Academy. Alternatively, should the Academy wish to secure enhanced facilities to those proposed by the County Council, the County Council would consider making the capped contribution available to the Academy toward their provision of a permanent replacement all-weather pitch and athletics running track.
59. A grassed area suitable for sport 90m x 58m (including run-off area) would be provided to the north of the school building. The area would partially incorporate an existing area of grass playing field, and the new surface would be constructed and formed to a standard at least equivalent to that already provided. Playing field to the north and east of the school build zone would remain as at present.
60. A grassed area 100m x 65m (including run-off area) would be provided to the west of the new school building, generally on the site of the school buildings that would be demolished. The area would have the potential to be developed as an all-weather pitch should the mitigation proposed at the off-site Sports Hub not be realised.

#### Trees, Landscaping and Ecology

61. The siting of the school building and adjoining hard surfaced area would require one lime tree to be felled, with a further four lime trees needing to be removed to accommodate the main pedestrian route to the school entrance, access to the service area. Four replacement lime trees would be planted in a row alongside the pedestrian route to the school plaza.
62. A group of 10 cypress trees within beech hedging adjacent to the intervention centre would be removed, as well as a common beech and a sycamore tree adjacent to the sub-station. The intervention centre would be demolished and the area landscaped. Hawthorn, wild cherry and mountain ash trees at the entrance to the existing staff car park or in front of the school to be demolished would be felled. Established trees within the group of Hallam and CLASP buildings to be demolished would be retained, and would stand in the area in front of the new school which could be developed in the future as a playing pitch.
63. A mixed group of trees forming a hedge on the western side of the existing staff car park would be replaced by purple beech hedging, and hedging would be provided to screen the retained sub-station, and also planted as a visual and physical barrier directing pedestrians to the path leading towards

the school building entrance. A purple beech hedge would also be planted to visually screen the vehicle service turning area from general view from the front of the school.

64. Areas of mixed native woodland (including specimen oak, hawthorn, cherry and silver birch) would be planted adjacent to the site boundary with Grove House to the west of the car park, to the north of the sprinkler tank.
65. The existing footway on the southern side of the vehicular entrance would be replaced by grass.
66. The ecological/bat survey supporting the application recommends that further survey work is undertaken. Although not initially provided with the application, a Bat Method Statement has been submitted. A licence may be required if bats are found following bat emergence/re-entry surveys. The provision of bat sensitive features, such as the installation of bat boxes and directional lighting, and night-scented species that attract insects is recommended.
67. The provision of a range of bird box designs installed in suitable locations on trees and buildings to increase nesting opportunities for birds is identified in the ecological report.

#### Site Security

68. The school site would not be wholly enclosed by site security fencing and existing site boundary treatments would be retained. A secured line across the site would be formed between Grove House and Smith Street through a combination of the new school and sports hall buildings, and MUGA fencing, linked by 2.4m high security fencing. Fencing around the existing staff car park would be retained and would discourage pedestrian access to the school service road from Smith Street and the public parkland area adjoining London Road.
69. Pole mounted CCTV cameras would be installed providing surveillance of the car park closest to London Road and the school entrance plaza, with wall mounted cameras fixed to corners of the school building and sports hall.

#### Sustainability

70. The proposed development would incorporate sustainable features in its design; high levels of thermal insulation, the use of natural in addition to mechanical ventilation, natural day lighting, sustainably sourced timber, recycling facilities, low water use, and the provision of dedicated cycle storage facilities.

#### Phased Development

71. During the construction phase, the build zone which would be secured by construction fencing, would be accessed along the existing drive used by school service traffic and to access Grove House. No construction vehicle activity would take place along the access route at the beginning or end of the school day, and construction vehicles would be escorted at all times. The

access drive would be provided with a crossing point permitting Academy access to the playing fields and the school fire assembly point. Academy staff and visitor car parking would be retained at the front of the existing school during the period of construction.

72. Following decant to the new school building, the existing school buildings would be demolished. No vehicle activity would take place along the access route throughout the period of demolition at the beginning or end of the school day. The area closest to the leisure centre would be demolished first, with the cleared area partially developed to provide new school car parking. Demolition traffic would access the former school site from the one-way access loop road. The car park closest to London Road would be retained for use by the school throughout this period of work.
73. In the final phase of demolition, the original school car park closest to London Road would be unavailable to the school, but by that time alternative parking provision would have been made available for school operational needs. Temporary vehicular access would need to be provided across the front of the school while the new school service road is constructed.

## Consultations

74. **Newark & Sherwood District Council (N&SDC)** - Support the proposal in principle – *The renewal of the School, which is a key secondary education provision within the Newark and Balderton area, is welcomed and will significantly enhance education provision within the District. Re-providing sports pitch provision at an equivalent or better level is critical.*
75. *N&SDC has been involved in pre-application discussions between NCC, Sport England and latterly the Athletics Club in order to ensure that any sports provision lost is re-provided. Specifically N&SDC agree with Sport England and NCC colleagues that there will be a need to provide athletics facilities and an all-weather pitch.*
76. *Sport England and NCC colleagues are aware of N&SDC aspiration to create a Sports Hub on land off Bowbridge Road adjacent to the recently approved new leisure centre. The timescales for the Sports Hub, and critically the content of which sports and facilities will be provided, remains unknown and will be linked to ongoing discussions with users, sports clubs, and the outcome of a District wide Playing Pitch Strategy expected in October 2014. N&SDC have indicated that every attempt will be made to accommodate (on N&SDC land) any provision required to be relocated from the [former Grove School] site albeit this is of course subject to the constraints of both the size of the site and range of sports/facilities that need to be accommodated. N&SDC would be happy to use best endeavours to achieve this with all partners (including NCC, the Athletics Club, and Newark Sports Association), albeit if full re-provision of an athletics facility and all weather pitch cannot be provided within a reasonable timescale (as can be advised by Sport England and engagement with the Athletic Club) a fall-back position needs to be established.*

77. *The principle of the level of payment to be set out in the unilateral undertaking and its provision for the athletics track and all weather pitch is agreed. There remain some concerns with the mechanism to release monies, and to which bodies monies should be released.*
- [Comment: N&SDC has submitted comments under separate cover on the controls required in the unilateral undertaking].
78. N&SDC Environmental Health Officer is satisfied with proposals for external site lighting. Lighting needs to be designed and installed to minimise light intrusion to neighbouring properties.
79. *It is appropriate to condition the hours of operation of the external sports provision due to the presence of the external lighting and the proximity to neighbouring dwellings. Whilst it is not considered to cause unacceptable impacts it is necessary to consider their future amenity given the increased intensity of the sports facilities. This is also proposed as a community facility and therefore there is a reasonable expectation that it will be used out of normal school days and hours. It is not considered reasonable to restrict the use of the outdoor provision to term time only, to allow the facilities to be used independent of the school.*
80. The Business Manager for Community, Sports and Arts Development does not object in principle subject to appropriate and satisfactory re-provision for sport which is subject to the unilateral undertaking.
81. **Balderton Parish Council** – *The provision of only five parent drop-off spaces is considered to be inadequate. Many pupils are transported to and from school by car, and many drivers presently use the adjacent Grove Leisure Centre car park. However this will not be available once the new Sports Hub is built in Newark. Where will these cars be safely parked, particularly when waiting for pupils at the end of the school day?*
82. **NCC Highways Development Control** – No objection subject to conditions. *The development is located on an existing school site which benefits from established patterns of travel for pupils and staff which mainly rely upon walking and cycling. Although there will be a planned increase in the overall size of the school, given the already existing travel patterns and the inclusion within the application of a strong School Travel Plan promoting further sustainable travel measures, it is considered that the development will not have a significant impact on London Road or the vehicular access to, or egress from the site.*
83. *Parking for staff, visitors and disabled users is proposed to increase from 87 to 108 spaces, which is considered to be appropriate for the scale of the development on the site where an increase in staff employed (full-time equivalent) is anticipated to increase from 117.5 to 150. The school will need to manage the use of parking spaces.*
84. *For those parents wishing to drop-off or pick up their children at the school there will be a further five dedicated spaces created. In light of the fact that the*



*existing parking at the Leisure Centre may at some time become permanently unavailable the school will need to ensure that they also effectively manage the five drop-off/pick-up spaces and this is also included in the School Travel Plan.*

85. *NPPF Promoting Sustainable Transport Paragraph 32 has been taken into account, which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Traffic management measures on London Road and nearby streets are already well established to control parking. Whilst on-street parking can be an inconvenience to residents, parking impacts at the beginning and the end of the school day are relatively short lived. Operational car parking would be satisfactorily accommodated within the application site, and the traffic impacts associated with the replacement school are considered to be acceptable. Service access within the site would be segregated from pedestrian movement and is considered to be satisfactory.*
86. *The introduction of a footway on the northern side of the access road from London Road is welcome. The path would be suitable for shared use by both pedestrians and cyclists. Pedestrians within the site would need to cross routes used by vehicular traffic in two locations and at each point the use of raised platforms would give priority to pedestrians and cyclists over vehicles. Cycling, as an alternative and sustainable means of travel to school by both staff and students is to be encouraged and the proposed provision of 300 cycle parking spaces, initially 80 of which would be covered, is welcome. The number of covered spaces is considered to be acceptable and demand and future provision of additional covered cycle spaces should be included in the School Travel Plan. Cycle parking spaces are proposed behind the secured fence-line of the school, offering an appropriate level of security throughout the school day.*
87. *Conditions are recommended to require; the submission of an environmental management plan for the lorry routing of construction traffic, measures to prevent the deposit of debris on the highway, segregation of construction vehicle and pedestrian movements on the site, and a scheme for recycling/disposal of surplus soils and waste; the provision of car parking spaces and the service area before development is brought into use; and submission of a School Travel Plan.*
88. *In response to the drop-off/pick-up issue raised by Balderton Parish Council NCC Highways Development Control advises: In most schools there is no provision within the school grounds for parents to drop off/pick up their children by car. The reason for this is mainly related to safety, as there is a desire to ensure that the potential conflicts between vehicles and pedestrians are minimised which is especially the case in a school environment. Whilst it is acknowledged that some parents use the present parking facilities at the leisure centre this will, as the Parish Council have identified, not be available in the future and it is therefore fortunate that, within the proposed new school layout, it will be possible to have the five places identified. The school will need to carefully manage the proposed drop off/pick-up point as well as the overall travel options to the site through its School Travel Plan, which will also need to ensure that parking outside of the school does not cause problems.*

89. *Whilst parking in the vicinity of schools at their opening and closing times can be of concern, it is unlikely that the schools involved will have either the space or the finance to provide dedicated off road parking for all the parents that might wish to use their cars. There are traffic management measures on both London Road and nearby streets to control parking which together with the proper implementation of the School Travel Plan should ensure that both parents and pupils are encouraged to use alternatives to the car.*
90. **NCC School Bus Logistics** – No response received.
91. **NCC Road Safety Team** – *Reported injury accidents within the vicinity of the school include four casualties of school age from 1 November 2011 - 30 April 2014. Two of these involved a pedal cyclist, one of which was serious, the other two were pedestrians.*
92. *It is anticipated that the proposals will intensify the existing usage which may in future years exacerbate the above. London Road has been a problem with reported injury accidents for a number of years, and additional measures to improve road safety would be welcomed. It should be noted that the School Travel Plan and the introduction of a 20mph within the vicinity of the school are not necessarily the most appropriate measures to address these problems in the long term.*
93. *The redevelopment appears to retain the existing site boundary and access points. Consideration should be given to provision of pedestrian guardrail if appropriate and the existing school signage should be reviewed on London Road.*
94. *It is also suggested that the School Travel Plan should include a programme of education and cycle training as part of its ongoing action plan.*
95. **NCC Countryside Access Team** – *There are two public rights of way within the site, FP 17 running from Smith Street to the leisure centre, and FP 23 running from London Road to FP 17. Both routes are shown as retained, so a permanent diversion order is not needed. The contractor should discuss a temporary closure of the rights of way when they come to construct the two Pedestrian Priority Crossings.*
96. **NCC Design Review** – *Supportive of the proposal. The new building will be a huge improvement on the existing facilities. The siting seems reasonable and practical. However being set so far back from the road with a long walk from the car park may reduce community use and there may be misuse of the frontage. An opinion should be sought from the Police Force Architectural Liaison Officer.*
97. *The appearance is very monolithic. There is reference to a 'collegic' approach, however with children just out of primary school this may feel very imposing which may not be entirely appropriate. Setting the development back from the boundary has reduced the impact of such a large building.*

98. *Red brick is an appropriate material with the local surrounds being largely brick.*
99. *It is felt that the entrance appears to be poorly expressed, especially with the distance from the car park, and there is missed opportunity to provide a distinct entrance.*
100. *Whilst the stairs are proud of the building, this could be better emphasised by a change in colour.*
101. *The location of the hall means that community use may be more difficult to manage due to its distance from the entrance. This is an issue for the school to manage.*
102. **Energy and Carbon Management Team** – *Whilst the right approach is proposed, seeking to optimise the fabric and passive elements to achieve energy efficiency, renewable energy generation provides a good opportunity to link in to educating youngsters about the issues and opportunities around energy and climate change, non-renewable resources, etc.*
103. *On-site renewable energy can provide an income stream to the school through Feed in Tariffs for electricity generation (e.g. from PVs), and Renewable Heat Incentive payments for consumed renewable heat. More account could be taken of the implications for long term running costs. For example, whilst mention is made of energy efficient lighting, more use could be made of LED lighting where appropriate.*
104. *Schools should be models of best practice for low carbon, aspiring to deliver associated educational opportunities and reduced running costs and or long term incomes streams.*
105. **Sport England** – *No objection subject to completion of a unilateral undertaking which secures the agreed contribution towards the replacement athletics track and artificial grass pitch, and recommended conditions being attached to the decision notice. Sport England will object if the unilateral undertaking is not secured and the conditions are not imposed.*
106. *The proposed development results in the loss of playing field area including the existing running track and artificial grass pitch. The application includes the construction of a new 4-court sports hall on site to replace the school element lost following the [future] closure of the existing dual use leisure centre and replacement with a new leisure centre off-site. In addition the proposal includes the construction of a hard surfaced court area.*
107. *It is understood that the academy are keen to continue and develop the joint use of the school facilities by both the students and the community. Indeed the school have agreed to continue to work with Newark Athletics Club and the application provides for a floodlit grass running track on a temporary basis until such time as a permanent replacement is available.*
108. *The application includes a draft unilateral undertaking by Nottinghamshire County Council to provide a financial contribution of £1m as mitigation for the*



*loss and replacement of the existing school athletics track and artificial grass pitch. This mitigation proposal and contribution figure is supported in principle by Sport England.*

109. *The new sports hall and the hard surface games court would be constructed on part of the existing playing field area. Sport England policy would normally support the development of sports facilities which have sufficient benefit to sport as to outweigh the loss of the playing field area. In this particular case the facilities would be considered acceptable if they are made available for use by the community and built in accordance with appropriate design guidance.*
110. *Two areas of the site which contain existing school buildings and part of the athletics track and artificial grass pitch are to be returned to open space use as part of the development but may in the future be provided as playing field. Indeed the area which would be provided may be the site of a future artificial grass pitch dependant on the outcome of other discussions. The area to the north of the proposed school should be constructed as playing field as part replacement for that which would be lost.*
111. Sport England does not object subject to the completion of the unilateral undertaking which secures the contribution towards the replacement athletics track and artificial grass pitch, and conditions to require the provision of temporary athletic provision until permanent athletic provision is substantially completed in compliance with the unilateral undertaking; a baseline assessment of existing grass playing field that is to be re-provided as playing field; details of replacement sports pitch, hard play and multi-use games area construction and entry into a community use agreement for the use of sports facilities.
112. **NCC Land Reclamation Team** – No objection subject to conditions for site investigation and remediation and full asbestos survey undertaken prior to demolition.
113. **NCC Project Engineer (Noise)** – No objection subject to conditions limiting construction noise (including submission of a construction environmental noise management plan incorporating noise mitigation measures in the event of a complaint), a restriction on construction working hours, and controls over operational noise levels arising from use of the MUGA and fixed plant.
114. **NCC Built Heritage Team** – No objection. *The significance of heritage assets has been appropriately assessed as required by the National Planning Policy Framework. The proposed development will not give rise to significant harm to Grove House, a non-designated heritage asset.*
115. **NCC Archaeology Team** – *While the archaeological assessment submitted in support of this application suggests that the potential for archaeological is low, a nearby site has produced extensive Iron Age/Roman archaeology. The proposed site is located within close proximity to areas of known archaeology including important Civil War sites. Any buried archaeological remains at the site would offer an opportunity to address specific research priorities within the county. A condition is recommended requiring the submission of a scheme of*

archaeological treatment for the stripping, mapping, recording and sampling of the archaeology of the site.

116. **Natural England** – No objection. *The proposal is unlikely to affect any statutorily protected sites or landscapes. Natural England has not assessed this application in relation to protected species and Natural England standing advice should be applied [appropriate ecological surveys including bat surveys to be carried out].*
117. *In accordance with Paragraph 118 of the National Planning Policy Framework, this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the provision of roosting opportunities for bats or the installation of bird nest boxes.*
118. **NCC Ecology Team** – *Survey information supporting the application is up to date. No designated sites would be affected by the proposals. No significant areas of notable habitat have been found on the site. The site is comprised predominantly of amenity grass, hard standing and buildings, with small areas of species-poor hedgerow, broad-leaved plantation woodland, scattered trees, tall ruderal habitat and a ditch also present; the majority of these latter habitats would not be affected by the proposals, or would be retained within the site landscaping.*
119. *With the exception of bats, no evidence of, and limited potential for protected species has been identified on the site, and no further surveys have been recommended, although several mitigation measures are proposed. With regards to bats the buildings on the Newark Academy site were found to provide roosting opportunities for crevice roosting bats, and the surrounding habitat and good connectivity with nearby features make the site highly suitable for foraging and commuting bats. Bat surveys were carried out in 2013 and 2014, and four roost sites identified in the south-eastern part of the existing school complex.*
120. *All species of bat are European protected species, by virtue of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations), which implement Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Under regulation 53 of the Habitats Regulations, activities which would otherwise contravene the strict protection regime offered to European protected species under regulation 41 (which includes the destruction of roost sites) can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application, these are that;*
- a) the activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest;*
  - b) there is no satisfactory alternative*
  - c) the favourable conservation status of the species in question is to be maintained*

121. *Furthermore, under regulation 9(5) of the Habitats Regulations, local planning authorities, in the exercise of their functions, have a statutory duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. What this means is that consideration must be given (during the determination process) to whether or not the three tests outlined above have been met.*
122. *It is concluded that the 'three tests' all are met as a) the development relates to the provision of a modern school b) retention of the existing school buildings is not a satisfactory alternative and c) the favourable conservation status of common pipistrelle will not be affected. Appropriate mitigation has been outlined in a Bat Method Statement. Nevertheless, due to the presence of roosting bats any works to the south and east buildings will need to be carried out under a European Protected Species licence issued by Natural England.*
123. *The site landscape plan indicates that an extensive area of meadow grassland would be created along the southern side of the site, with new hedges/shrubs and trees elsewhere. This is welcomed, as it has the potential to provide a significant enhancement to the biodiversity value of the site. All native species seed and plant stock should be certified to be of native genetic origin.*
124. Planning conditions are recommended to control vegetation clearance during the bird nesting season; to use safe working practices during construction with regard to mammals; the submission of a detailed landscaping plan to include details of species mixes, establishment methods and maintenance regimes; the production of a Landscape Management Plan to guide ongoing management of created and retained habitats; and the installation of bat and bird boxes to enhance biodiversity.

[Comment: Details of the proposed seed mix has been submitted and is referenced in recommended Condition 3t)].

125. **Nottinghamshire Wildlife Trust** – *Three active bat roosts have been identified. However no information regarding roost characterisation is provided. In order to inform the application for a European Protected Species licence, it is likely that further bat survey work will be required. More information should be provided prior to determination of the application in order to ascertain the status of the roosts which will in turn enable assessment of planned mitigation.*

[Comment: Additional information has been submitted and reviewed by NCC Ecology Team that addresses the issue raised above].

126. *Should any works be proposed which could impact on two trees identified as having medium bat roost potential, further bat surveys will need to be undertaken.*

[Comment: The two trees identified are not affected by the proposed development].

127. *The following measures should be secured by planning condition: vegetation clearance outside the bird nesting season other than following a survey by a suitably qualified ecologist; use of safe working practices during construction with regard to mammals; inclusion of artificial bird nesting opportunity for species of conservation concern, such as house sparrow and swift, within the fabric of the new buildings; detail of proposed planting mixes to include locally appropriate native species of trees, shrubs, wildflowers and grasses; development and adoption of a Biodiversity Management Plan for the site; and, use of bat friendly lighting throughout the development, including use of directional lighting pointed towards the ground, away from habitat features.*
128. **NCC Landscape Team** – NCC Landscape Team support the proposal to set the proposed buildings deep into the site. *The proposed buildings will be effectively screened by existing mature tree planting to the London Road frontage and views from neighbouring properties on Smith Street will be screened by existing vegetation and mounds which are to be retained.*
129. *The 4m wide tree lined boulevard providing a shared surface for pedestrians and cyclists leading to the new buildings is welcomed but the trees will require regular maintenance. This will need to be built into the cost of maintenance of the school grounds.*
130. *The existing mature Lime trees to the site boundary with London Road are to be retained. Proposed tree planting will connect with the existing stand of lime trees.*
131. *Submitted tree pit details are acceptable. The proposed species of lime tree avoid the issue of aphid residue and are appropriate. Beech hedging is suitable. Proposed wildflower seed mixes are acceptable but are likely to require specialised maintenance if they are maintained as wildflower meadows, and this will need to be built into the cost of maintenance of the school grounds.*
132. *Proposed security weldmesh fencing will need to provide the level of security employed at NCC schools and details should be required by planning condition.*
133. *Planning conditions should be applied to protect the existing trees, including their root protection areas as described in the arboricultural assessment supporting the application. The loss of trees would be mitigated by the proposed avenue planting.*
134. **NCC Forestry and Arboriculture Team** – No response received.
135. **Network Rail** – No objection in principle. To prevent objects from being hit onto the electrified railway 3.65m high netting at the end of the adjacent playing pitch will be required, erected along the site boundary.
136. Property requirements in relation to site drainage, security of the site boundary, encroachment on to Network Rail property, trees, shrubs and landscaping, and lighting are provided in the consultation response.

137. **Environment Agency** – No objection subject to development being carried out in accordance with the Flood Risk Assessment submitted in support of the application, and conditions to require the submission of a surface water drainage scheme (incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development), and the floor level of the school building and sports hall being set at 18.20m (as specified in the application).
138. **Trent Valley Internal Drainage Board** – No response received.
139. **Severn Trent Water Limited** – No objection subject to a condition requiring the submission of details of foul and surface water drainage.
140. **Western Power Distribution** – No objection. Western Power Distribution has a sub-station currently under a lease agreement within this site, and an easement covering electricity cables on the site.
141. **National Grid (Gas)** – National Grid has identified apparatus in the vicinity of the site which may be affected by the proposed development.
142. **Police Force Architectural Liaison Officer** – No response received.

## Publicity

143. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
144. One letter has been received. Newark Athletic Club advises that they use the current track and other facilities, on which the new school would be built, all year round. The needs of Newark Athletic Club have been fully considered.
145. Councillor Keith Walker has been notified of the application.
146. The issues raised are considered in the Observations Section of this report.

## Observations

### Strategic Education Provision

147. The Newark Academy is the sample school being promoted through the Nottinghamshire tranche of the Priority Schools Building Programme. The proposal would replace school buildings that are reaching the end of their design life and are no longer suitable for the delivery of a modern educational curriculum. The proposal would consolidate the split school on a single site. Although there is a current school roll of 743, the Academy could accommodate a significantly greater number of pupils on the site in existing buildings, without the need for planning permission.



148. Great importance is attached to ensuring that sufficient choice of school places is available to meet the needs of new and existing communities in National Planning Policy Framework (NPPF) *Promoting Healthy Communities* (Paragraph 72). Great weight should be given to the need to create, expand or alter schools. In a letter to Chief Planning Officers the Secretary of State for Communities and Local Government has stated that there should be a presumption in favour of the development of state-funded schools and the delivery of development that has a positive impact on the community (Appendix 2). In determining this application, consideration needs to be given to whether the proposed development would give rise to significant harm that could not be mitigated through the imposition of conditions.

#### Highway Impact, Traffic and Movement

149. NPPF *Promoting Sustainable Transport* Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Although planning permission has now lapsed, Members should also be mindful that planning permission has previously been granted for a school for 1270 students. Newark and Sherwood Local Development Framework Allocations and Development Management DPD (July 2013) (N&SDM) Policy DM5 *Design* requires consideration of safe and inclusive access and as many alternative modes of transport as possible. Parking provision for vehicles and cycles should be based on the scale and specific location of the development.
150. The proposed development would increase the floor area of school building on the application site (excluding the sports hall) by approximately 13%. Vehicle trips are expected to increase by 36%. The consultation response from NCC Highways Development Control comprehensively sets out highway and traffic related considerations and it is noted that the development is not anticipated to have a significant impact on London Road or the vehicular access to, or egress from the site.
151. A robust School Travel Plan that is both deliverable and enforceable will be required to maximise the use of non-car modes of transport. The site is located adjacent to a public bus route, measures are proposed to encourage increased travel to school by cycle and car sharing is proposed, all of which are considered to be sustainable.
152. The proposed number of covered cycle spaces is considered to be acceptable for the current school roll and demand and future provision of additional covered cycle spaces should be included in the School Travel Plan (Condition 30). Cycle parking spaces, behind the secured fence-line of the school, would have an appropriate level of security throughout the school day. It is considered that the development would be in compliance with the parking and access requirements of N&SDM Policy DM5 *Design*.
153. NCC Road Safety Team has drawn attention to reported injury accidents. The school is included in the programme to provide 20mph zones outside schools throughout the County, but it has been identified that this may not be the most appropriate measures to address the problem, in the long term. An appropriate

review of conditions on London Road would take place when the introduction of a 20mph speed limit is considered. Existing school signage on London Road should be reviewed. Although this may have already taken place as part of the wider County Council initiative before the replacement school is brought into use, it is relevant to the development to be permitted and an appropriate condition is recommended (Condition 32).

154. Balderton Parish Council has raised concern over the adequacy of providing five spaces for parent drop-off and pick-up. NCC Highways Development Control has identified that traffic management measures on London Road and nearby streets are in place to control parking. Whilst on-street parking can be an inconvenience to residents, parking impacts at the beginning and the end of the school day are relatively short lived. In the short term parents would, on an informal basis, continue to use the car park at the adjacent leisure centre. However, the leisure centre and its car park does not form part of this planning application and future impact, should the leisure centre car park no longer be available for parent parking needs to be considered by Members.
155. It is considered that operational car parking demand for staff, visitors, disability and servicing would be satisfactorily accommodated within the application site. Although access to car parking spaces would not be secured, use of the parking spaces and possible unauthorised parking by parents would be a matter to be managed and enforced by the Academy. Service access within the site would be segregated from pedestrian movement and is considered to be satisfactory.
156. The introduction of a footway on the northern side of the access road from London Road is welcome. The detail and implementation of means to prevent drivers from parking on a main pedestrian route to the school (Paragraph 53) is the subject of recommended Condition 4. The path is of appropriate width and suitable for shared use by both pedestrians and cyclists. Pedestrians within the site would need to cross routes used by vehicular traffic in two locations, and at each point the use of raised platforms would give priority to pedestrians and cyclists over vehicles. The submission of design detail at the crossing points is the subject of recommended Condition 19.
157. An Informative is recommended drawing attention to the need to discuss a temporary closure of the right of way during the construction of the raised platforms (Note 3).

#### Built Development and Landscape Impact

158. N&SDM Policy DM5 *Design* requires development to be assessed against criteria of amenity with consideration to the layout, separation from neighbouring development and impacts of overbearing and loss of privacy. Character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Where possible, natural features of importance within or adjacent to the development site should be protected and enhanced.

159. The proposed three storey school building and adjoining sports hall would occupy a smaller and cohesive building footprint than the range of existing school buildings. It is considered that built development, principally sited on the existing running track and at closest 90m from the nearest property on Smith Street, would not give rise to loss of privacy from overlooking and would be acceptable in terms of impact on residential amenity. The use of red brick in external elevations is reflective of nearby residential properties and considered to be acceptable. The submission of samples and a schedule of proposed external finishes is the subject of recommended Condition 16.
160. NCC Design Review (Paragraph 96) has drawn attention to the opportunity to provide a distinct entrance to the school building. In response, the applicant has drawn attention to the building entrance being one element which needs to be considered in combination with the landscape design. The proposed plaza in front of the school building would form an arrival point after passing along a 4m wide pedestrian entrance boulevard through an enhanced parkland setting, and is considered to be acceptable. The entrance to the school building would be identified by signage applied to the elevation of the building, although the need for Advertisement Consent for the display of signage would be a matter to be considered by Newark and Sherwood District Council.
161. Preference should be given to the retention of trees classified as being Category B, but where they cannot be feasibly kept without compromising design, appropriate replacement planting should take place in mitigation. Category B lime trees would need to be removed to accommodate the development, but form part of a group which reduces the significance of their loss. Proposed replacement tree planting is considered to be acceptable and the proposal would be in compliance with criteria related to the built form of development and landscape of N&SDM Policy DM5 *Design*.
162. There is on-going discussion about the provision of temporary fencing while the new hedge along the western side of the car park, closest to Public Footpath Balderton No.17 becomes established. Existing fencing could be reduced in height and retained, or new temporary fencing provided. The option chosen should seek to discourage pedestrians from attempting to walk through the hedge-line to short-cut to or from the school, and the submission of details is the subject of recommended Condition 21.

#### Heritage Impact and Archaeology

163. The applicant has described the significance of heritage assets affected, as required by NPPF Paragraph 128. NPPF Paragraph 135 advises that the effect of proposed development on the significance of a non-designated heritage asset should be taken into account in determining an application, and that a balanced judgement will be required having regard to the scale of any harm or loss.
164. Newark and Sherwood Local Development Framework Core Strategy DPD (N&SCS) (March 2011) Policy 14 *Historic Environment* seeks to secure the continued preservation and enhancement of the character, appearance and



setting of the District's heritage assets and other cultural assets of significant value.

165. N&SDM Policy DM9 *Protecting and Enhancing the Historic Environment* advises that all development proposals affecting heritage assets and their settings should be appropriately sited and designed. Where development proposals requiring planning permission involve demolition, the resulting impact on heritage assets is to be assessed under this policy.
166. The scale and massing of the sports hall, and the principal school building at a greater distance from Grove House, is considered to be acceptable. Views from Grove House towards areas of car parking, cycle parking and the sprinkler tank enclosure would be filtered by proposed planting. The siting of the sprinkler tank enclosure would visually punctuate the elevation of the sports hall. The replacement MUGA would be lit during darker evenings, but the impact of lighting, with lux levels falling away rapidly beyond the playing surface, would minimise impact on the setting of the non-designated heritage asset.
167. The demolition of existing school buildings would enhance the setting of Grove House and the proposal is considered to be acceptable with regard to N&SDM Policy DM9 *Protecting and Enhancing the Historic Environment*. When viewed from London Road, the existing parkland setting of the school would be retained and enhanced by the additional green space provided on the reinstated site of the existing school buildings. It is considered that the sports hall would be suitably sited in relation to Grove House, and the impacts of development would not give rise to significant harm to the heritage asset.
168. N&SDM Policy DM9 *Protecting and Enhancing the Historic Environment* advises that development proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Proposals likely to affect sites of significant archaeological potential will be required to submit an appropriate desk based assessment and, where necessary a field evaluation to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ.
169. Although the archaeological assessment submitted in support of the application suggests that the potential for archaeology is low, given the location close to areas of known archaeology including important Civil War sites a condition is recommended requiring development to be carried out in accordance with a scheme of archaeological treatment (Condition 5). The site should be stripped under archaeological supervision, features identified, recorded and sampled.

#### Sustainable Design

170. N&SCS Policy 9 *Sustainable Design* expects proposals to demonstrate a high standard of sustainable design. Development should meet criteria seeking to achieve a high standard of sustainable design including the use of sustainable drainage where feasible, providing resilience to climate change and taking account of the need to reduce the opportunities for crime.

171. N&SCS Policy 10 *Climate Change* encourages the provision of renewable and low-carbon energy generation within new development but advises that from 2013 onwards, targets for non-residential development are unnecessary following implementation of the revisions to Part L of the Building Regulations (Conservation of Fuel and Power). Development should be efficient in the consumption of energy, water and other resources and be located in order to avoid both present and future flood risk.
172. N&SDM Policy DM12 *Presumption in Favour of Sustainable Development* expresses a presumption in favour of sustainable development set out in the NPPF, stating that planning applications that accord with the policies in the Development Plan for Newark and Sherwood will be approved without delay, unless material considerations indicate otherwise.
173. The applicant has supported the proposal with a sustainability appraisal, addressing the spectrum of aspects of sustainable construction and the development in operation, including an energy strategy, use of materials, water use minimisation, sustainable drainage, control of pollution and green transport. Whilst the consultation response from Energy and Carbon Management Team draws attention to enhancements which could offer additional environmental and educational benefits, the adequacy of the proposal will be tested through compliance with Part L of the Building Regulations. In support of the application it is stated that the proposed design would require an energy consumption 5% below that required to meet Part L of the Building Regulations. The project budget funding provided by the EFA is fixed and whilst additional measures could be incorporated, the test of the acceptability of the proposal is compliance with the relevant Development Plan policy.
174. An informative is recommended advising the applicant to contact NCC Energy and Carbon Management Team to discuss potential enhancements to the design (Note 8). There would appear to be an opportunity to retro-fit PVs to the roof of the sports hall building and, for example, to use more energy efficient forms of lighting which could offer further environmental benefit.
175. N&SDM Policy DM5 *Design* seeks to steer development away from areas at greatest risk of flooding, and that wherever possible measures to pro-actively manage surface water including the use of appropriate surface treatments through the use of sustainable drainage should be provided.
176. The proposed buildings would be set with a floor level of 18.20m and would be resilient to climate change. The development is considered to be acceptable in compliance with N&SCS Policy 9 *Sustainable Design*, N&SCS Policy 10 *Climate Change* and N&SDM Policy DM5 *Design*. An appropriate condition is recommended to require the submission of a surface water drainage scheme in accordance with the Flood Risk Assessment supporting the application (Condition 15). The Environment Agency recommended floor level of 18.20m is specified in the application and does not need to be re-stated in a planning condition.

Re-Provision for Sport

177. The playing field area to the rear of existing school buildings, including the running track, are subject to N&SCS Policy SP8 *Protecting and Promoting Leisure and Community Facilities* which encourages the provision of new and enhanced community and leisure facilities. The loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that sufficient alternative provision is made elsewhere which is equally accessible and of the same quality or better as the facility being lost.
178. N&SCS Policy NAP3 *Newark Urban Area Sports and Leisure Facilities* seeks to improve sports and leisure facilities in the Newark Urban Area. Such facilities should be accessible by a range of transport modes, including public transport and cycle routes, with good access both to the existing Newark Urban Area and the Strategic Sites. If possible the District Council will seek to locate such facilities in a single location.
179. The proposed development would result in the loss of the existing lit running track and a poor quality sand-based all-weather surface. Sport England Planning Policy Statement, *A Sporting Future for the Playing Fields of England*, explains that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless one of a number of exception criteria can be met.
180. Policy E4 would be met where *the playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.*
181. The approach to re-provision of sports facilities has been the subject of discussion with Sport England and the applicant has engaged with Newark Athletic Club. Appropriate re-provision for sport could be made on the former RHP site (Paragraph 28) as part of the new sports hub development and the applicants have demonstrated support for the provision a replacement running track and all-weather pitch by proposing entry into a unilateral undertaking and would be in compliance with N&SCS Policy NAP3 *Newark Urban Area Sports and Leisure Facilities*. However, the sports hub does not have the benefit of planning permission and there is no certainty that proposal will go ahead. In the event that the sports hub development does not take place, the unilateral undertaking includes an acceptable 'fall-back' position that would see a running track and all-weather pitch provided at the Academy site. Although there are options as to how the sports facilities could be re-provided, the unilateral undertaking gives certainty to acceptable re-provision for sport in compliance with N&SCS Policy SP8 *Protecting and Promoting Leisure*.
182. In order to satisfy Sport England Policy E4, replacement playing field needs to be an equivalent or better quality than that removed. The new playing pitch to be provided to the north of the replacement school building would be formed partially from an area of existing playing field, and the quality of the playing field needs to be replicated. An appropriate planning condition is recommended requiring a baseline assessment of the playing field affected (Condition 11).

183. The area of the existing school buildings would have future potential to be developed as a sports pitch. In the event that the off-site sports hub is not developed, replacement sports provision would need to be made, including an all-weather pitch, on the Academy site. It would be inappropriate to construct the grassed area to a standard suitable for sport if at a future date the grass would be replaced by an artificial surface. Whilst replacement sports provision could be addressed in different ways, the proposed unilateral undertaking would make appropriate re-provision for sport (Condition 22).
184. The applicant has engaged with Newark Athletic Club and the application makes provision for continuity of opportunity for sport through the provision of temporary track facilities. Details have not been submitted, but the form and proposed location of temporary facilities, which would need to be provided before the current running facility is taken out of use, is the subject of recommended Condition 13.
185. The provision of a floodlit MUGA would replace the existing sand-based all-weather surface and would be available for use by the community until 22:00 hours. Although sited closer to residential property to the north, use of the MUGA is not considered likely to give rise to noise nuisance. A condition is recommended limiting hours of use of the MUGA until 22:00 hours (Condition 26).
186. Lighting would be focussed on the playing surface and spill lighting would not significantly impact on the amenity of neighbouring property. However, the proximity of the MUGA to the sports hall could lead to the building elevation being illuminated by back lighting. The applicant is to investigate the modification of a standard lighting installation to reduce the impact of back light (Condition 29). Condition 26 recommends that the illumination of the MUGA is permitted no later than 22:05 hours, which would allow an additional five minute lit period for the MUGA to be cleared at the end of the last potential daily letting period.
187. Should an all-weather pitch be provided on the reserved land forward of the proposed school towards London Road (Paragraph 183), when determining the acceptability of that proposal (a matter not for consideration in the determination of this application), given the proximity to properties on Smith Street, it may be appropriate to consider exercising greater control over hours of evening use.
188. Sport England has advised that use of the new sports facilities by the community should be secured through a community use agreement. The Academy has indicated that community use fits the ethos of the school and, as joint applicant, the Academy would enter into the Community Use Agreement recommended by Condition 27.

#### Ecology and External Lighting

189. N&SCS Policy 12 *Biodiversity and Green Infrastructure* expects proposals to take into account the need for continued protection of ecological assets, and to maximise opportunities to conserve, enhance and restore biodiversity.

190. N&SDM Policy DM7 – *Biodiversity and Green Infrastructure* will only support the granting of planning permission on sites supporting bat habitat where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.
191. N&SDM Policy DM5 *Design* requires that where a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation provided where significant impacts cannot be avoided.
192. The need to replace the existing school buildings to deliver a modern education outweighs the need to safeguard the ecological value of the site. Permitting the proposed development would entail the demolition of the existing buildings and loss of identified bat roosts. The application is supported by up-to date ecological assessment, and appropriate mitigation is set out in the submitted Bat Method Statement. Attention is drawn to the consultation response from NCC Ecology Team and conclusion that the ‘three tests’ of the Habitats Directive are all are met. The destruction of bat roosts will require a separate European Protected Species licence from Natural England and is the subject of an informative (Note 5).
193. The provision of replacement opportunities for roosting bats and bird nesting would satisfy N&SCS Policy 12 *Biodiversity and Green Infrastructure* and N&SDM Policy DM7 – *Biodiversity and Green Infrastructure*, and are the subject of recommended Condition 20. Planning conditions are recommended to control vegetation clearance during the bird nesting season, the use of safe working practices during construction with regard to mammals, the submission of a detailed landscaping plan, and the production of a Landscape Management Plan to guide on-going management of created and retained habitats (Condition 10f) and Condition 21).
194. With the exception of MUGA lighting (Paragraph 186), proposed external site lighting is considered to be appropriate and the submitted lux plot demonstrates that light spill would not give rise unacceptable impact on neighbouring properties. It is necessary to ensure that the lighting design will not have an adverse impact on bats, and a requirement to accord with the submitted Bat Method Statement lighting recommendations is the subject of Condition 28.

#### Site Security

195. N&SDM Policy DM5 *Design* requires the consideration of the potential for the creation or exacerbation of crime, disorder or antisocial behaviour. Although a consultation response has not been received from the Police Force Architectural Liaison Officer, existing boundary fencing would be retained and a secure line would be provided across the site between the boundary of Grove House and Smith Street. The area of parkland landscape forward of the school would be enlarged following the demolition of existing school buildings and would be maintained by the Academy. Proposed CCTV surveillance would

provide a visual deterrent and enhance site security without compromising the privacy of neighbouring occupiers.

196. Community access to school buildings and facilities, and potential related security issues will need to be managed by the Academy with consideration given to internal lines of security.

#### Construction, Noise and Site Contamination

197. Indicative details showing the phased construction of the replacement school, with the existing school remaining in operation, are generally acceptable. The need to restrict the movement of construction traffic during periods at the beginning and end of the school day has been identified. Conditions are recommended to restrict hours of construction and demolition and to limit construction/demolition noise in the interest of the amenity of nearby residents (Condition 9 and Condition 25).
198. Conditions are recommended to require the submission of an intrusive site investigation, and an asbestos survey carried out prior to the commencement of demolition works (Condition 12 and Condition 24).

#### Operational Noise

199. Although the building and associated outside play/activity areas and the MUGA would be sited a significant distance from the site boundary, and use is considered unlikely to give rise to noise nuisance to neighbouring occupiers, the control of operational noise arising from use of the MUGA and fixed plant is the subject of recommended Condition 33 and Condition 34.

#### Other Matters

200. Network Rail has identified the need to erect netting along the operational boundary adjacent to a playing pitch. No development or alterations to the way in which the playing field would be used is proposed in proximity to the railway line, and use of the playing field would remain as at present. Pitch layouts are illustrative and could be provided differently to address Network Rail operational issues. It is recommended that the consultation response from Network Rail is attached as an informative, bringing relevant property issues to the attention of the applicant (Note 7).

#### Other Options Considered

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

#### Statutory and Policy Implications

202. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder,



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

#### Crime and Disorder Implications

203. Although the application does not propose security fencing around the perimeter of the site, proposed security fencing within the site would provide a secured line and appropriate security to the school premises when approached from London Road.

#### Human Rights Implications

204. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life)/Article 1 of the First Protocol (Protection of Property)/Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

#### Safeguarding of Children Implications

205. The application includes the provision of a secure fenced line and the development is considered to make adequate provision for the safeguarding of children.

#### Implications for Sustainability and the Environment

206. Implications for Sustainability and the Environment are considered in the Observations section of the report (Paragraphs 170-176).
207. There are no implications for Service Users, Equalities and Human Resources, or Financial Implications arising for the County Planning Authority.

#### **Statement of Positive and Proactive Engagement**

208. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as

impacts of traffic and movement, ecological mitigation, and landscape which have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and the County Planning Authority has also engaged positively in the preparation of an undertaking to secure appropriate re-provision of sports facilities impacted by the development. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

209. 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 a unilateral undertaking to provide a contribution capped in the sum of £1,000,000 towards the provision of a new athletics track and all-weather pitch at the Sports Hub to include:

- a) the provision of a suitable temporary athletic facility on an area of land within The Newark Academy playing field boundaries;
- b) the mechanism and timescale for the payment of the contribution towards the provision of a new athletics track and all-weather pitch at the Sports Hub; and
- c) the provision of an all-weather pitch and athletics track on The Newark Academy Site, equivalent to existing facilities on The Newark Academy site, in the event that the provision of an all-weather pitch and/or athletics track at the Sports Hub is not commenced within six years of the date of the deed.

and the conditions set out in Appendix 3. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

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

[SLB 19.09.2014]

**Comments of the Service Director - Finance**



To be orally reported

### **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**

|                     |                               |
|---------------------|-------------------------------|
| Balderton           | Councillor Keith Walker       |
| Farndon and Muskham | Councillor Mrs Sue Saddington |

Report Author / Case Officer

David Marsh

0115 9696514

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

W001315  
3045/CCD FR3/3101  
19 Sept 2014



## **PRIORIOTY SCHOOLS BUILDING PROGRAMME**

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

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

The projects have been split into 3 batches.

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

The project to replace Fountaindale Special School started on site in October last year and is due to complete this October.

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





## Policy statement – planning for schools development

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

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

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

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

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

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

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

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

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

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ISBN: 978 1 4098 3076 4

## RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

a) Location Plan (Drawing TNA-PL-00-001 Rev P02) received by the CPA on 26 June 2014.

b) Site Layout Plan (Drawing TNA-PL-00-002 Rev P07) received by the CPA on 28 August 2014.

c) Landscape Plan - West (Drawing TNA-PL-00-003 Rev P08) received by the CPA on 28 August 2014.

d) Landscape Plan - East (Drawing TNA-PL-00-005 Rev P03) received by the CPA on 28 August 2014.

e) Phased Construction Layout (Sheets 1 and 2) received by the CPA on 27 August 2014.

- f) Tree Retention and Removal Plan (Drawing TNA-PL-00-004 Rev P03) received by the CPA on 28 August 2014.
- g) Planting Strategy Plan (Drawing TNA-CP-94-002 Rev P04) received by the CPA on 29 August 2014.
- h) Landscape Fencing Strategy (Drawing TNA-PL-00-006 Rev P04) received by the CPA on 29 August 2014 (as may be modified by details approved in compliance with Condition 21b)).
- i) Proposed Ground Floor Plan (Drawing TNA-PL-20-000-01 Rev P04) received by the CPA on 10 July 2014.
- j) First Floor Plan (Drawing TNA-PL-20-001) received by the CPA on 26 June 2014.
- k) Second Floor Plan (Drawing TNA-PL-20-002) received by the CPA on 26 June 2014.
- l) Roof Plan (Drawing TNA-PL-20-003) received by the CPA on 26 June 2014.
- m) North and South Elevations (Drawing TNA-PL-20-100-01) received by the CPA on 10 July 2014.
- n) East and West Elevations (Drawing TNA-PL-20-101-01) received by the CPA on 10 July 2014.
- o) Main Building Elevations (Drawing TNA-PL-20-102) received by the CPA on 10 July 2014.
- p) Sports Block Elevations (Drawing TNA-PL-20-103) received by the CPA on 10 July 2014.
- q) Part Elevation (Drawing TNA-PL-20-104) received by the CPA on 10 July 2014.
- r) Lighting and CCTV (Drawing 1.4.5.54) received by the CPA on 26 June 2014 (as may be modified by details approved or required in compliance with Conditions 28 and 29).
- s) Lux Plot (Drawing 14031-BSXX(40)1004-CP Issue 3) received by the CPA on 1 September 2014 (as may be modified by details approved or required in compliance with Conditions 28 and 29).
- t) Wildflower seed mix received by the CPA on 11 August 2014.
- u) Tree Pit Detail received by the CPA on 11 August 2014.



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

4. Notwithstanding details shown on approved drawings referenced in Condition 3, prior to the commencement of main site works, a scheme to segregate vehicular traffic from pedestrians and cycle users of the shared pedestrian/cycle path to be provided to the north of the site access road such that vehicles would not be able to park on the pedestrian/cycle route, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of safe movement of pedestrians and cyclists within the site.*

5. Prior to the commencement of development a scheme of archaeological treatment for the stripping, mapping, recording and sampling of the archaeology of the site shall be submitted to and approved in writing by the CPA. The scheme shall be carried out in accordance with the approved details under the supervision of an archaeologist or archaeological organisation that shall first be approved in writing by the CPA.

*Reason: To record the archaeology the site and accord with Newark and Sherwood Development Management Policy DM9 Protecting and Enhancing the Historic Environment.*

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

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

7. Prior to the commencement of development, the means of protection of trees to be retained during the period of construction which shall be sited so as not to encroach within root protection areas identified on Drawing TNA-PL-00-004 Rev P03, shall be submitted to and approved by the CPA in writing. The approved scheme shall be completed as part of site enabling works, and prior to the commencement of main site works, to the written satisfaction of the CPA.

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

8. Notwithstanding Condition 7, where works need to be carried out within root protection areas identified on Drawing TNA-PL-00-004 Rev P03, the work shall be carried out in accordance with a methodology which shall first be submitted to and approved in writing by the CPA.

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

9. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA;

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

*Reason: To safeguard the amenity of nearby residents and to minimise risk of pedestrian/cycle conflict when The Newark Academy is in use.*

10. Prior to the commencement of development, details of the method of working during the construction phase, in the form of an environmental management plan, to include:

- a) lorry routeing for construction traffic;
- b) measures to prevent the deposit of debris on the public highway;
- c) the segregation of construction vehicle and pedestrian movements on site;
- d) measures for the control of noise, vibration and dust emissions (including mitigation measures in the event of a complaint);

- e) a scheme for the recycling/disposal of surplus soils and waste resulting from construction;
- f) construction site management practice to safeguard against risk to mammals (protected species) throughout the period of construction,

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

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

- 11. Prior to the commencement of development, an assessment of the quality of the existing grass playing field identified on attached drawing 3/14/01269/FULR3N/1 shall be submitted to and approved in writing by the CPA.

*Reason: To provide an appropriate baseline assessment of playing pitch quality that would be impacted by the development.*

- 12. Prior to the commencement of development approved by this planning permission, or such other time as may first be agreed in writing with the CPA, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the CPA:
  - a) a site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including off-site receptors; and if required
  - b) an options appraisal and remediation strategy based on the site investigation results and detailed risk assessment, giving full details of the remediation measures required, and how they are to be undertaken; and
  - c) a verification plan, providing details of the data to be collected in order to demonstrate that the works set out in b) will be complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The written consent of the CPA shall be obtained prior to any change being made to components a) – c). The scheme shall be implemented as approved.

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

13. Prior to the commencement of site works such that the existing running track is no longer available for use, the location and timescale for temporary athletic provision, which shall include a marked out running track (temporarily lit as appropriate) within the application site, shall be submitted to and approved in writing by the CPA. Temporary athletic provision shall be made available in accordance with the approved details prior to the commencement of site works such that the existing running track is no longer available for use, unless otherwise first agreed by the CPA in consultation with Newark Athletic Club, and shall be so retained until such time as permanent athletic provision is substantially completed in compliance with the unilateral undertaking reference (to be inserted) submitted in support of the application.

*Reason: To ensure satisfactory continuity of provision for sport.*

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

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

15. Prior to the commencement of main site works a scheme of surface water drainage works which shall accord with the Flood Risk Assessment submitted in support of the application, and incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the CPA. The surface water drainage works shall be completed prior to the development hereby approved first being brought in to use, in accordance with the approved details.

*Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.*

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

*Reason: In the interest of visual amenity.*

17. Prior to use on site, design details of 2.4m high weldmesh security fencing to be installed shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity.*

18. Prior to being installed, design details of the:

- a) Sprinkler tank and related enclosure; and
- b) Covered cycle storage

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

*Reason: In the interest of visual amenity.*

19. Prior to installation, design details of raised crossing points within the site, designed to give priority to pedestrians and cyclists over vehicular traffic, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of pedestrian and cyclist safety.*

20. Within 3 months of the commencement of development, details including timescale of proposed:

- a) provision for roosting bats in the development (in accordance with the requirements of the European Protected Species licence issued by Natural England); and
- b) provision of bird nest boxes on the building and/or retained trees;

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

*Reason: To enhance the ecology of the site.*

21. Within 6 months of the commencement of development a scheme, including a programme for the provision of landscaping to include

- a) species, locations, planting size and planting density;
- b) establishment methods (including the provision of a secure fence line while hedging becomes established); and
- c) schedule of maintenance including a Landscape Management Plan to guide ongoing management of created and retained habitats

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

*Reason: In the interest of visual amenity.*

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

- a) replacement sports pitch construction (which shall be to a standard at least equivalent to the baseline assessment provided in compliance with Condition 11);
- b) construction specification for hard play and multi-use games areas;
- c) drainage of areas used for outdoor play and sport; and
- d) a grid of replacement sports pitch levels, multi-use games area and areas of hard play;

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

The replacement sports pitch, multi-use games area and areas of hard play shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the CPA.

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

23. Car parking spaces and service areas approved by this permission shall be provided in accordance with a timescale that shall be submitted to and approved in writing by the CPA. All car parking areas and associated access drives shall be surfaced and drained through trapped gullies with an overall capacity compatible with the site being drained, or other acceptable form of drainage as may be approved in compliance with Condition 15.

*Reason: To ensure the timely provision of car parking in the interest of highway safety and to safeguard against increased risk of flooding and pollution of the water environment.*

24. Prior to the commencement of works of demolition on site, a full asbestos survey of buildings to be demolished shall be submitted to and approved in writing by the CPA. Development shall not be carried out other than in accordance with the approved details.

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

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

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

26. Unless otherwise agreed in writing by the CPA, the use of the playing fields, and school buildings for organised community activities, shall be restricted to the following hours:

School Buildings

Monday – Sunday                      07:30 – 23:00 hrs

Playing Fields and Multi-Use Games Area

Monday – Sunday                      09:00 – 22:00 hrs

The multi-use games area shall not be lit between 22:05 hours and 09:00.

*Reason:            To safeguard the amenity that nearby residents could reasonably expect to enjoy.*

27. Prior to the development first being brought into use, a Community Use Agreement for the use of school buildings and sports facilities (prepared in consultation with Sport England), including details of:

- a)      pricing policy;
- b)      hours of use;
- c)      access by non-school users/non-members;
- d)      management responsibilities; and
- e)      a mechanism for review of the Community Use Agreement;

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

The facilities shall be used in accordance with the approved Community Use Agreement unless varied by the governors of the school and parties to the agreement.

*Reason:            To ensure well managed safe community access to the sports facility and to ensure sufficient benefit to the development of sport.*



28. Notwithstanding submitted details, all external lighting to be installed shall comply with the recommendations of the Bat Method Statement - Appendix 6 received by the CPA on 17 September 2014.

*Reason: To control the potential impact of external lighting on bats.*

29. Notwithstanding approved Lux Plot (Drawing 14031-BSXX(40)1004-CP Issue 3), prior to being installed on site, the reflective luminance of MUGA lighting on the Sport Hall north elevation, designed to minimise building luminance and in compliance with *ILP Guidance Notes for the Reduction of Obtrusive Light GN01:2011*, shall be submitted to and approved in writing by the CPA. Development shall be carried out in accordance with the approved details. All light fittings shall be shielded as appropriate to minimise the level of light spillage outside the application site.

*Reason: In the interest of amenity, minimise light pollution, and to control the potential impact of lighting on bats.*

30. The Head Teacher/Principal of the Academy, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the draft Newark Academy Travel Plan (received by the CPA on 28 August 2014) and within 3 months of the completion of development (the demolition of existing buildings and substantive restoration of the site) provide a completed Newark Academy Travel Plan aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school. The Newark Academy Travel Plan shall be implemented in accordance with the approved timetable and shall be updated consistent with future Newark Academy Travel Plan initiatives (to include education relating to sustainable travel; cycle training; demand for, and future provision of additional covered cycle spaces; and management of student drop-off and pick-up), including implementation dates, to the satisfaction of the CPA.

*Reason: To promote sustainable travel.*

31. The Travel Plan Coordinator shall first submit a report to the CPA within 6 months following the completion of development (as defined in Condition 30), and thereafter submit annual reports for a minimum period of 5 years and until Travel Plan targets have been met. The monitoring reports shall summarise

the data collected over the monitoring period and propose revised initiatives and measures where Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

*Reason: To promote sustainable travel.*

32. Within 6 months following the completion of development (as defined in Condition 30), a review of The Newark Academy school zone signage on London Road shall be carried out, and a report with recommendations shall be submitted to the CPA. Recommendations for the modification of school zone signage shall be implemented within 3 months of the date of submission of the report.

*Reason: In the interest of highway safety.*

33. Following the completion of the development, noise levels generated by the development or activities on site shall not exceed 55dB(A)L<sub>aeq</sub>, 1 hour, between 07:00 – 23:00 hours, measured on any boundary of the site.

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

34. Following the completion of the development, noise levels from any machinery or activity on the site between the hours of 23:00 – 07:00 shall not exceed the existing night - time background La<sub>90</sub> noise level, measured in the garden of any property adjoining the site boundary.

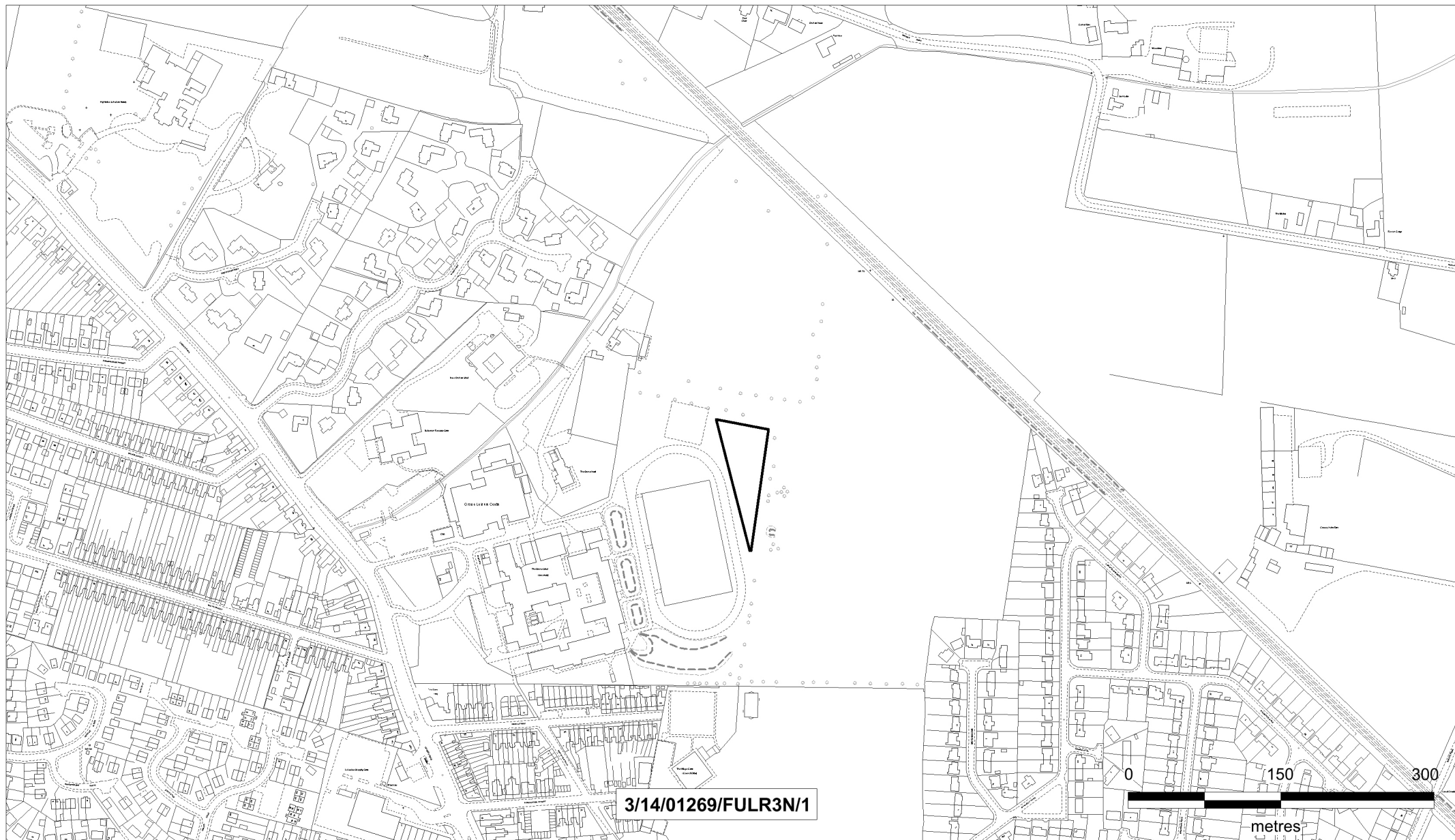
*Reason: To protect the amenities at present enjoyed by the occupiers of nearby residential properties.*

#### Informatives/Notes to applicant

1. With reference to Condition 13, for the avoidance of doubt, temporary athletic provision is to be provided to enable all age groups and teams to train in accordance with Newark Athletic Club requirements.

2. With reference to condition 17, the condition refers to fencing that will be permanent as part of the completed development, and not temporary construction fencing.
3. With reference to Condition 19, the applicant is advised to contact NCC Rights of Way Team to discuss a temporary closure of the Public Footpath crossing the site during the construction of raised platforms.
4. With reference to Condition 20, ideally, a proportion of bat boxes should be integrated into the fabric of the new school buildings, although boxes affixed to the exterior surface would also be appropriate. Additional boxes can be affixed to retained trees around the site. Boxes for birds should target species such as house sparrow, starling and swift, although 'general' hole and open fronted boxes can also be used.
5. The applicant is advised that a European Protected Species licence for handling bats will be required from Natural England.
6. With reference to Condition 27, a template for a Community Use Agreement is enclosed.
7. Network Rail has an operational line adjoining the application site. Attention is drawn to Network Rail requirements in respect of drainage; boundary security; trees, shrubs and landscaping; and lighting in the consultation response received from Network Rail on 1 August 2014, a copy of which is enclosed.
8. The applicant is advised to contact NCC Energy and Carbon Management Team to discuss enhancement of the design to deliver additional energy efficient and educational benefits. More use could be made of LED lighting, while the use of PVs providing on-site renewable energy can offer an income stream through Feed in Tariffs for electricity generation. Renewable energy generation provides a good opportunity to link to educating about the issues and opportunities around energy and climate change, non-renewable resources, etc.
9. Western Power Distribution has a sub-station and an easement covering electricity cables on the site. Attention is drawn to the consultation response from Western Power Distribution dated 25 July 2014, a copy of which is enclosed.
10. National Grid has apparatus on the site. Attention is drawn to the consultation response from National Grid dated 17 July 2014, a copy of which is enclosed.





**Nottinghamshire  
County Council**

Erection of three storey replacement school, split level single and two storey sports building, replacement sports provision including new flood lit multi-use games area (MUGA), car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing.

The Newark Academy, London Road, New Balderton, Newark.

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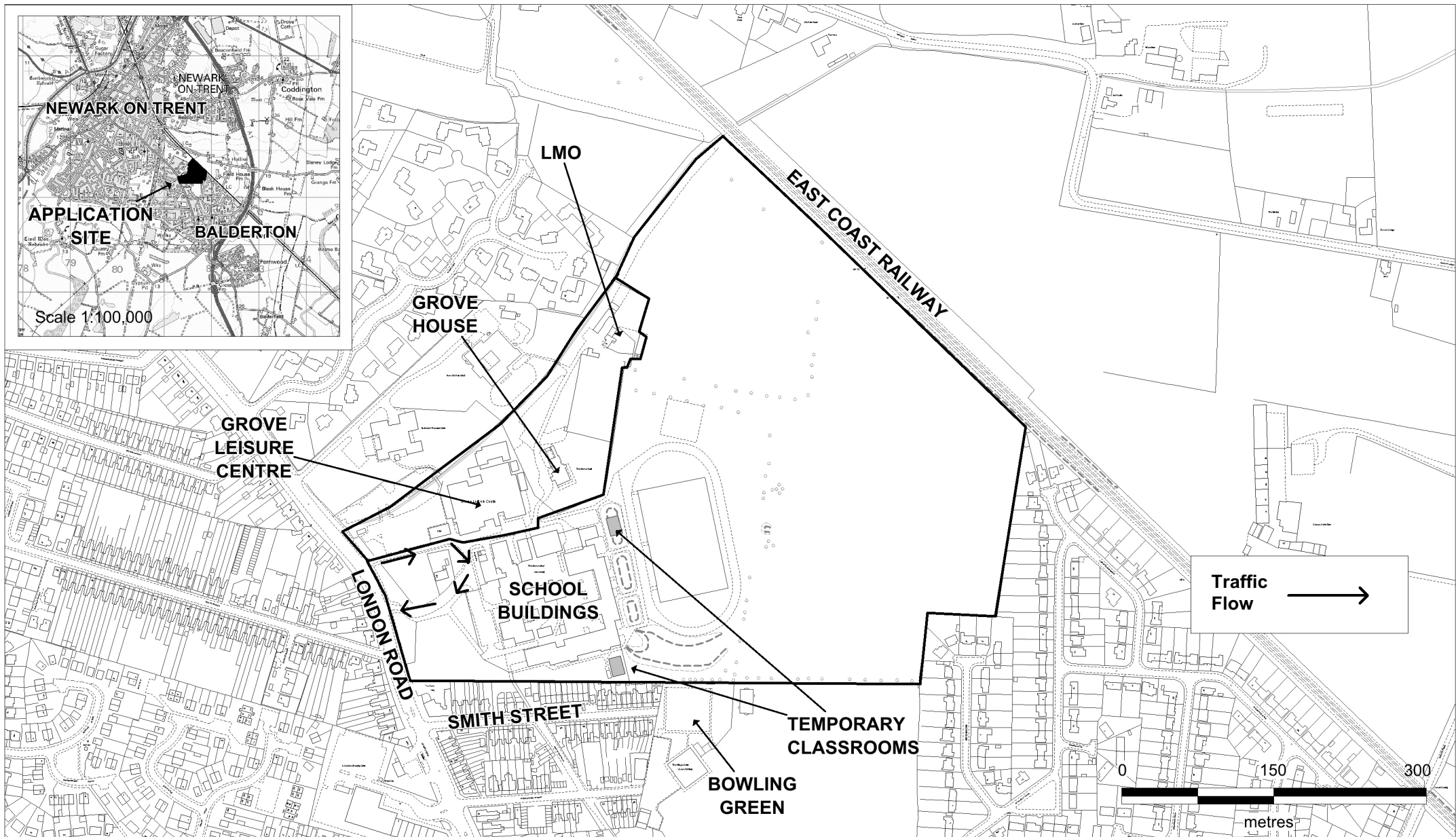
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Date: SEPT 2014







**Nottinghamshire  
County Council**

Erection of three storey replacement school, split level single and two storey sports building, replacement sports provision including new flood lit multi-use games area (MUGA), car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing.

The Newark Academy, London Road, New Balderton, Newark.

Planning Application No. 3/14/01269/FULR3N

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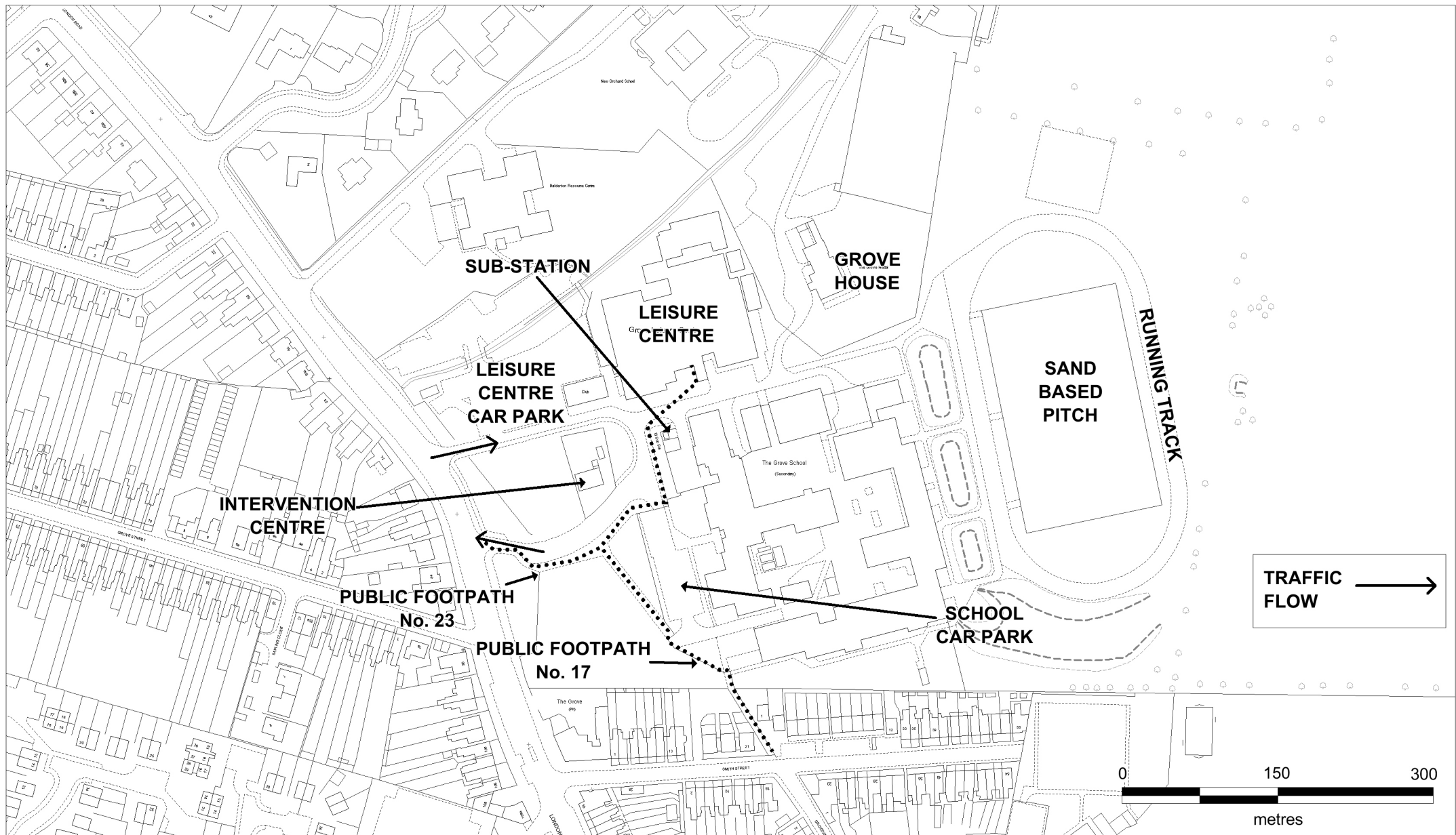
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Date: SEPT 2014

**PLAN 1**







**Nottinghamshire  
County Council**

Erection of three storey replacement school, split level single and two storey sports building, replacement sports provision including new flood lit multi-use games area (MUGA), car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing.

The Newark Academy, 1066 Road, New Balderton, Newark.

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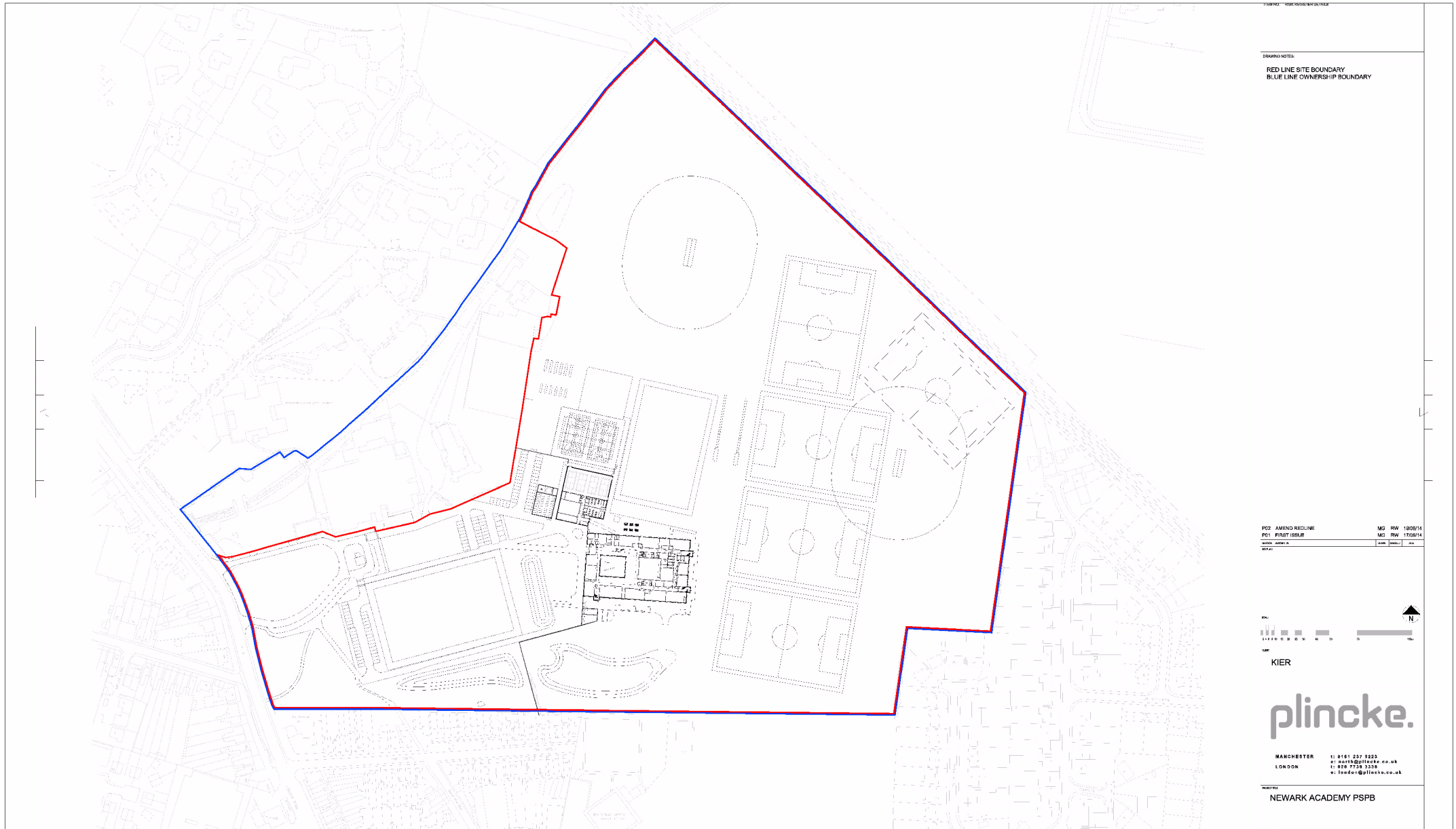
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Date: SEPT 2014

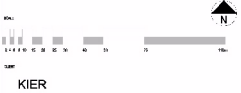
**PLAN 2**





DRAWING NOTES  
 RED LINE SITE BOUNDARY  
 BLUE LINE OWNERSHIP BOUNDARY

POZ AMEND REDLINE MG RW 1008/14  
 POZ POINT ISSUE MG RW 1708/14  
 AUTHOR: JAW/ALB DATE: 10/09/14  
 SHEET 01



**plincke.**

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NEWARK ACADEMY PSPB



**Nottinghamshire  
 County Council**

Erection of three storey replacement school, split level single and two storey sports building, replacement sports provision including new flood lit multi-use games area (MUGA), car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing.  
 The Newark Academy, 10166 Road, New Balderton, Newark.  
 Planning Application No. 3/14/01269/FULR3N

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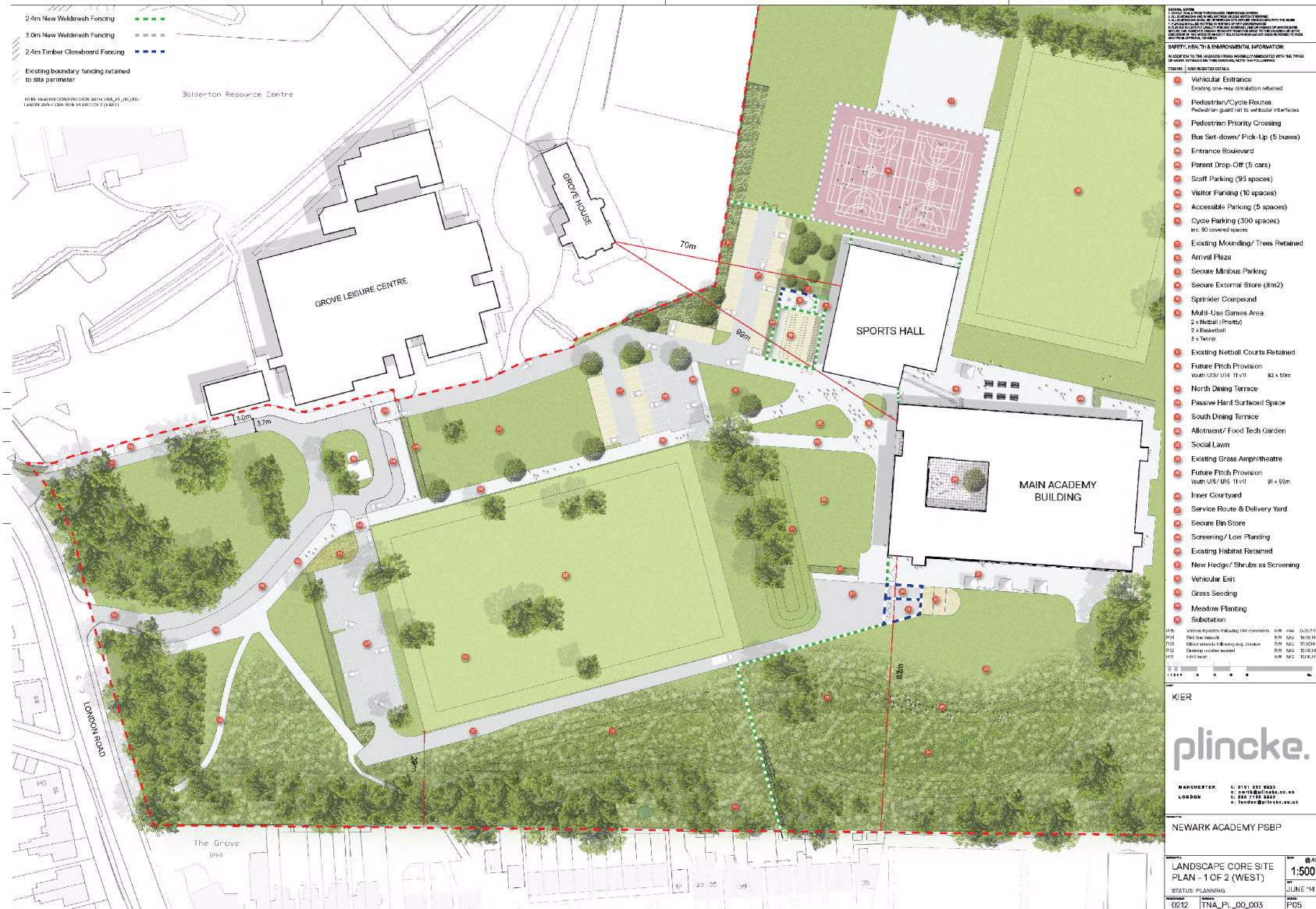


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 Date: SEPT 2014

**PLAN 3**







**Nottinghamshire  
County Council**

Erection of three storey replacement school, split level single and two storey sports building, replacement sports provision including new flood lit multi-use games area (MUGA), car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing.

The Newark Academy, 1066 Road, New Balderton, Newark.

Page 79 of 166  
Planning Application No. 3/14/01269/FULR3N

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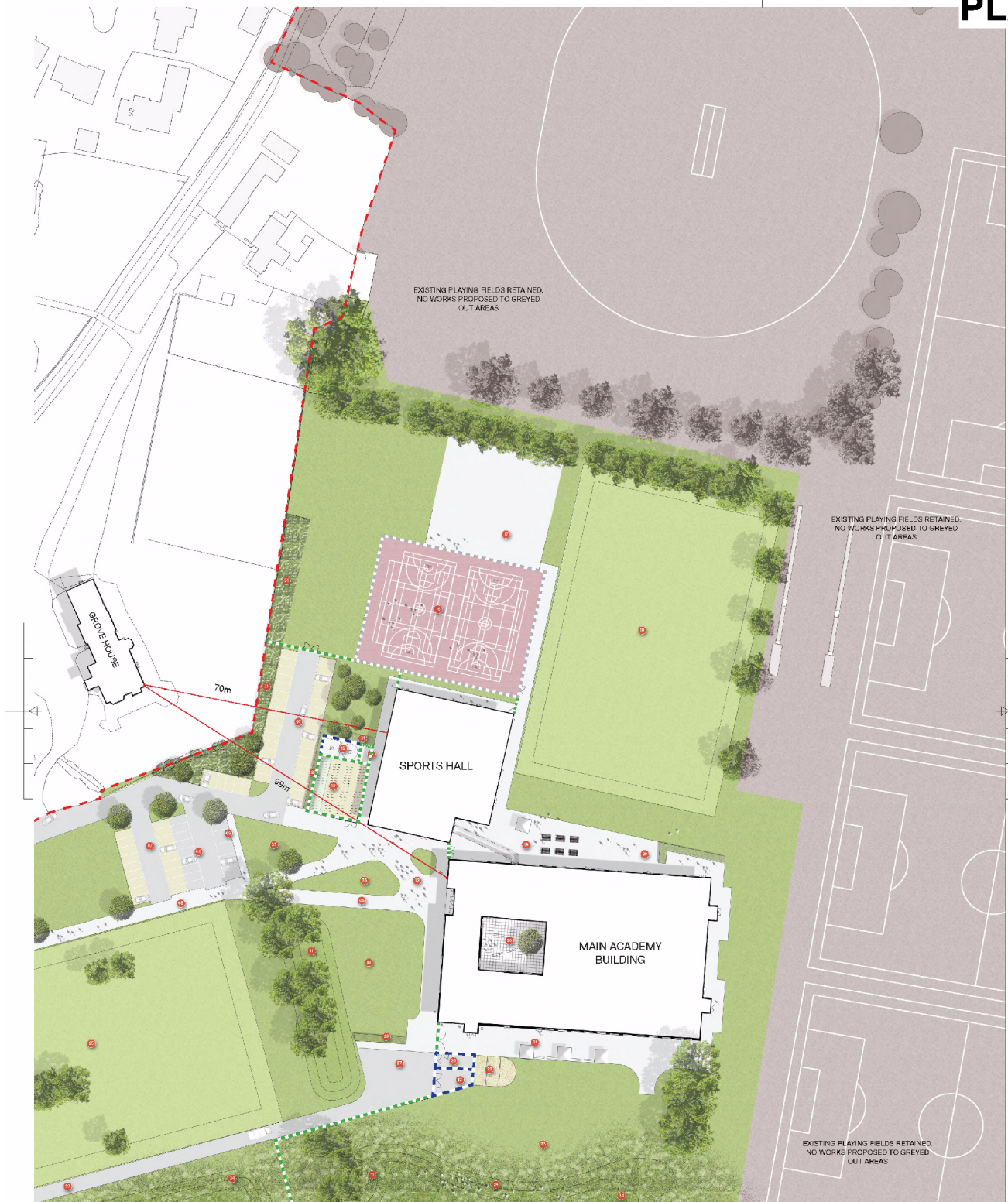


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 Date: SEPT 2014

**PLAN 4**







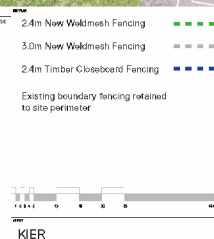
**GENERAL NOTES**  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.

**SAFETY, HEALTH & ENVIRONMENTAL INFORMATION**  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
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4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.

- 1. Staff Parking (93 spaces)
- 2. Visitor Parking (10 spaces)
- 3. Accessible Parking (5 spaces)
- 4. Cycle Parking (300 spaces)
- 5. Existing Mounding/ Trees Retained
- 6. Arrival Plaza
- 7. Secure Minibus Parking
- 8. Secure External Store (Rm2)
- 9. Sprinkler Compound
- 10. Multi-Use Games Area
- 11. Existing Netball Courts Retained
- 12. Future Pitch Provision
- 13. North Dining Terrace
- 14. Passive Hard Surfaced Space
- 15. South Dining Terrace
- 16. Allotment/ Food Tech Garden
- 17. Social Lawn
- 18. Existing Grass Amphitheatre
- 19. Future Pitch Provision
- 20. Inner Courtyard
- 21. Service Route & Delivery Yard
- 22. Secure Bin Store
- 23. Screening/ Low Planting
- 24. Existing Habitat Retained
- 25. New Hedge/ Shrubs as Screening
- 26. Vehicular Exit
- 27. Grass Seeding
- 28. Meadow Planting
- 29. Substation

**STRUCTURE NOTES**  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
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4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.  
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BS STANDARDS.

- 1. 2.4m New Woldmesh Fencing
- 2. 3.0m New Woldmesh Fencing
- 3. 2.4m Timber Closeboard Fencing
- 4. Existing boundary fencing retained to site perimeter
- 5. 2.4m New Woldmesh Fencing
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- 7. 2.4m Timber Closeboard Fencing
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- 12. Existing boundary fencing retained to site perimeter
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- 95. 2.4m Timber Closeboard Fencing
- 96. Existing boundary fencing retained to site perimeter
- 97. 2.4m New Woldmesh Fencing
- 98. 3.0m New Woldmesh Fencing
- 99. 2.4m Timber Closeboard Fencing
- 100. Existing boundary fencing retained to site perimeter



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**NEWARK ACADEMY PSBP**

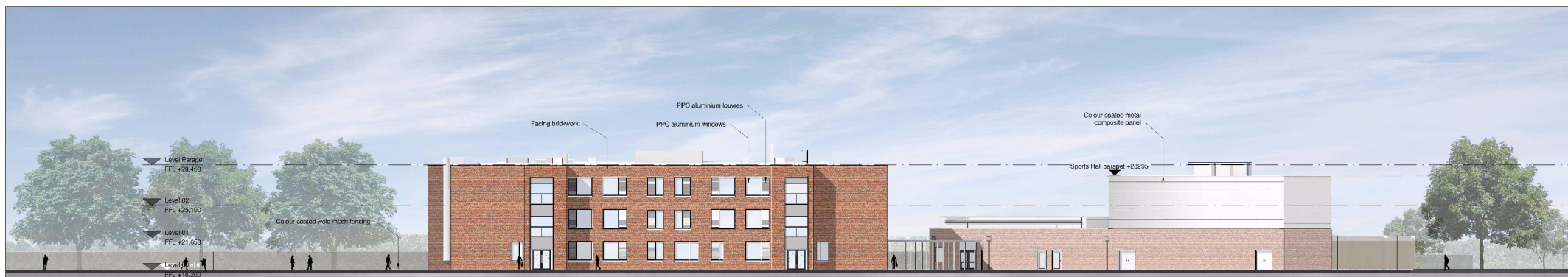
**LANDSCAPE CORE SITE PLAN - 2 OF 2 (EAST)**

STATUS: PLANNING

0212 TNA\_PL\_00\_005 P01







EAST ELEVATION

1 Elevation-Planning-East Elevation  
Scale 1 : 200



WEST ELEVATION - FRONT ENTRANCE

2 Elevation-Planning-West Elevation  
Scale 1 : 200



**Nottinghamshire  
County Council**

Erection of three storey replacement school, split level single and two storey sports building, replacement sports provision including new flood lit multi-use games area (MUGA), car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing.

The Newark Academy, London Road, New Balderton, Newark.

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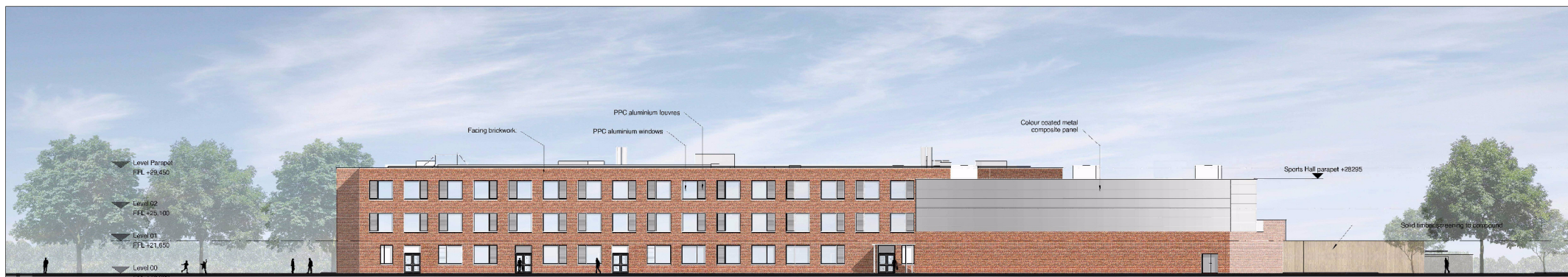


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Produced by: JW  
Date: SEPT 2014

**PLAN 6**







1 | Elevation-Planning-North Elevation  
Scale 1 : 200



2 | Elevation-Planning-South Elevation  
Scale 1 : 200



**Nottinghamshire  
County Council**

Erection of three storey replacement school, split level single and two storey sports building, replacement sports provision including new flood lit multi-use games area (MUGA), car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing.

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Date: SEPT 2014

**PLAN 7**



**30 September 2014****Agenda Item:7****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****ASHFIELD DISTRICT REF. NO.: 4/V/2013/0359****PROPOSAL: RETROSPECTIVE USE OF SITE FOR RECYCLING OF INERT  
MATERIALS AND CONSTRUCTION OF A 5 METRE HIGH SOUND  
ATTENUATION WALL****LOCATION: PLOTS 10, 11, 12, 13, 14 AND 16 OFF WIGWAM LANE, HUCKNALL****APPLICANT: OAKFIELD RECYCLING LIMITED****Purpose of Report**

1. To consider a planning application for the retrospective use of plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane for the recycling of inert materials and the construction of a five metre high noise attenuation wall. The key issues relate to noise, dust, highways and residential amenity. The recommendation is to grant planning permission subject to the signing of a legal agreement and the conditions attached to this report.

**The Site and Surroundings**

2. The application site is a roughly 'L' shaped piece of land, with an additional piece of land providing access to the public highway, located to the south of Wigwam Lane in Hucknall (see Plan 1). The application site, including access road, covers an area of just over one hectare and is approximately one kilometre south east of Hucknall town centre. Other industrial units are located to the north west and south east of the site including a waste transfer station operated by Central Waste and a concrete batching plant operated by Hanson, whilst to the north east of the site is a golf course which is located in the Green Belt (see Plan 1).
3. To the south west of the site are residential properties on The Brickyard. The curtilages of numbers 34 and 36 The Brickyard are adjacent to the site with only a small watercourse and a thin band of trees separating the properties from the site. The north eastern elevation of the properties is approximately 25 metres from the site boundary. The north eastern elevation of number 40 The Brickyard is approximately 50 metres from the site boundary whilst the northern elevation of number 32 is approximately 70 metres from the site boundary (see Plan 1).



4. The Brickyard continues in a southerly direction before crossing the Robin Hood Railway Line and the Nottingham Express Transit Tram Line which runs north west to south east approximately 130 metres west of the site. Beyond the train and tram lines are further residential areas in Hucknall.
5. The application site comprises a number of plots on the industrial estate, as highlighted on Plan 1. The site appears relatively flat although there is a slight fall from the north east end of the site (50 metres above ordnance datum (AOD)) to 49.35 metres AOD in the southern corner of the site. Levels then rise slightly across plots 12, 13 and 14 to a level of around 50.6 metres AOD on the western edge of plot 14.

## **Planning History and Background to the Application**

6. The applicant presently benefits from planning permission (reference 4/2006/0409) on plot 16 for the recycling (crushing and screening) of topsoil, subsoil, crushed concrete items, stone and aggregates. Planning permission was granted in 2006 subject to 17 conditions covering matters such as operating hours, vehicle movements, stockpile heights, noise, dust, landscaping and contaminated land. An application (reference 4/2010/0640) to vary condition 8 of this permission to raise the height of the stockpiles from four metres to six was granted planning permission in 2011 but was never implemented.
7. Aerial photos show plots 10 and 11 being occupied by a company called PP Pallets from around 2004 until around 2011, with the company previously occupying plot 11 from around 2000, possibly earlier. Plot 10 benefits from a planning permission for a haulage and storage depot granted in 1987 by Ashfield District Council (ADC) (reference V/1987/0355) and aerial photos confirm this plot being used for this purpose in 2000. Plot 11 has a planning permission attached to it for a car dismantling and dealers business (reference V/1975/0151) granted in 1975 but it is not known under what permission this plot was used by PP Pallets. In 2011 the applicant purchased plots 10 and 11 and the fence between the existing waste site (plot 16) and plot 10 was removed and processed product was then taken from the waste processing site directly to plots 10 and 11 for storage.
8. Complaints were received in 2011 when the applicant's use of plots 10 and 11 commenced, alleging the unauthorised use of these plots for waste related development. However, given the district planning permissions in place for these plots and the fact that the Environment Agency (EA) had confirmed that the materials being stored on these sites were secondary aggregates, and therefore not waste, it was considered that this was in accordance with the storage use permitted for these plots under the existing ADC planning permissions. Complaints relating to activities on these plots were forwarded to ADC for action.
9. During 2012, the applicant purchased plots 12, 13 and 14 which adjoin plot 11 and advertised them for rental. Plots 12, 13 and 14 have planning permission (reference V/1993/0429) for B1 (business), B2 (general industrial) and B8 (storage or distribution) use, again granted planning permission by ADC.

Despite the advertising, the plots were not rented out and, at the beginning of 2013, the applicant removed the fence from between these plots and plot 11 with the intention of using this land in conjunction with its existing development.

10. Further complaints were received in 2013 as a result of the removal of this fence, again alleging the unauthorised extension of the site. In February 2013, ADC served a Noise Abatement Notice on the applicant with respect to noise from plant and machinery from plot 16. The notice requires the applicant to abate the noise nuisance within 150 days and prohibits the occurrence or recurrence of the noise nuisance.
11. Whilst it was considered that the storage of processed product on plots 10 and 11 complied with the ADC permissions as referred to above, it was not considered that the use could be extended onto plots 12, 13 and 14 under the terms of that ADC permission. Notwithstanding this, officers advised that there had been a material change of use of all the plots which had resulted into a single new planning unit. Officers therefore advised that planning permission would be required for the continuation of this activity. The County Council has therefore been in subsequent discussions with the applicant regarding the continued use of all the plots as part of a single operation and how this could be achieved whilst also meeting the requirements of the noise abatement notice and ensuring any impacts which might arise from this activity are suitably controlled. These discussions have resulted in the submission of this application.

## **Proposed Development**

12. The application proposes to combine the existing waste operations on plot 16 with plots 10-14 to create a single site for the recycling of inert materials. The application states that the throughput at the site would be 75,000 tonnes per annum which is understood to mirror the existing limit allowed under the environmental permit issued by the EA.
13. The detailed site plan has been the subject of significant discussions between the applicant, the Waste Planning Authority and ADC's Environmental Health Officers (EHOs). The original site plan submitted has been amended in light of these discussions and is detailed on Plan 2. The original site plan submitted is detailed on Plan 3 to allow Members to appreciate the amendments that have been made. Reference to both the original site plan and the latest version which is being considered under this application is made throughout the Observations section of this report.
14. The detailed site plan now under consideration (Plan 2) shows separate access and exit points off Wigwam Lane with vehicles entering the site via the southernmost of these accesses. Vehicles entering the site with inert waste such as tarmac, fill sand, topsoil, hardcore and concrete would deposit the waste material into stockpiles on the south eastern boundary of plot 16 towards the north eastern end of the site near Wigwam Lane where they would await crushing and screening. The existing crusher and screener would be located immediately north west of these stockpiles, also within plot 16 in

this area. The site plan indicates that around 90% of vehicles having entered the site would exit by following a route around the crusher and screener before passing through a wheel wash close to the north western boundary of plot 16 and then exiting via the exit point to the north of the entrance point. The other 10% of vehicles leaving the site would do so via the entrance point and the site plan indicates a notional turning area which would allow all vehicles to leave the site in a forward gear.

15. The deposited incoming waste material would be passed through the crusher if required before being graded in the screener. Once suitably processed, various crushed and screened products would be moved and stockpiled on the remainder of the application site, i.e. on plots 10, 11, 12, 13 and 14. These would include topsoils, sand, and crushed hardcore of various sizes and specifications and it is proposed that the stockpiles would be up to six metres in height. Given the proposed access and entrance points onto Wigwam Lane, it is anticipated that the site operators would store those processed products with the greatest sales closest to the site exit, i.e. in plots 10 and 11, in order to aid the efficient operation of the site, with those products generating the least amount of sales being stored furthest away from the site exit, i.e. in plots 12 to 14. This would have a knock-on effect of reducing the level of activity on those areas of the site closest to residential properties.
16. Along the south western boundary of the site, processed products would be stockpiled against a proposed five metre high concrete wall which would be approximately 110 metres in length and which the application states would address issues relating to noise on the site. The wall, which would have a green plastic coated mesh attached to the side facing the nearby residential properties, would be constructed on slightly raised ground half a metre higher than ground levels on the site itself, meaning that the proposed stockpile heights of six metres above ground level would result in material being stockpiled half a metre higher than the top of the wall.
17. On top of the concrete wall and also along the entire south eastern boundary and along the north western boundary of plot 10, it is proposed to install automatic sprinklers which would help suppress any dust generated on site. These would be located approximately 15 metres apart and the site plan submitted shows 19 such sprinklers to be installed.
18. Behind the proposed concrete wall, there is already a row of conifer trees which the applicant has planted, commencing in the southern corner of the site and extending approximately 45 metres north westwards. The application proposes to extend this planting along the remaining length of the proposed concrete wall in order to screen views of it from the residential properties to the south west. Details of how the planting would be undertaken have been provided including ground preparation and the size of the trees (two metres in height, 10-14cm girth).
19. The application seeks permission for 150 vehicles to enter and leave the site with inert waste/processed material per day, which equates to 300 movements per day. A transport assessment has been submitted with the application which considers that such a level of traffic could be expected if all the units were individually operational under the planning permissions which presently

exist. The application states that not all of these vehicles would be HGVs as some products are collected in small pick-up trucks etc. In addition to the transport assessment, the application also includes dust and noise assessments.

20. The application proposes hours of operation of 7am till 6pm Monday to Friday and 7am till 1pm on Saturdays with no working on Sunday and Public and Bank Holidays.

## Consultations

21. **Ashfield District Council** initially objected to the application as it considered that the noise survey had not given consideration to the overall noise level from all operations on site, as required by British Standards BS4142. The assessment had not included noise from some HGV movements, other mobile plant manoeuvring on site, the construction and dismantling of stockpiles and the emptying and filling of HGVs with aggregates at the stockpiles. A further noise assessment for all operations for a worst-case hour was requested to determine the overall noise impact upon the closest residential receptor. Ashfield District Council also objected to the application with respect to dust as the proposed mitigation measures would only be used during working hours and there would be no measures to deal with dust emissions outside these hours, especially from the top of stockpiles. Ashfield District Council considered that the application as originally submitted would have a detrimental impact upon the residential amenity of neighbouring residential occupiers by virtue of increased noise and disturbance and dust pollution.
22. In light of further noise assessments and the revised site layout plan, including the provision of dust suppression sprinklers, Ashfield District Council has removed its objection to the application subject to a number of conditions. A condition is recommended requiring noise levels from the site to not exceed existing background noise levels by 5dB (including a 5dB penalty for tonal/impulsive noise) when measured 3.5 metres from the nearest façade of the nearest property and in accordance with BS4142. A further condition is recommended requiring noise monitoring to be undertaken in the event of noise complaints being received to determine whether the noise limit is being breached.
23. A condition is also recommended requiring no plant or machinery to operate on top of any stockpile on the northern boundary of the site and stockpiles should not exceed five metres in height. A condition requiring a dust management scheme to be submitted for approval is also recommended which would need to include details of the sprinklers to be installed. Finally, a condition is recommended regarding landscaping works.
24. **The Environment Agency** has no objection although it is noted that the proposal would reduce the ability to access the adjacent water course and the applicant is reminded of their rights and responsibilities as riparian owners of this stretch of watercourse.

25. **NCC (Highways)** notes that the existing permission (for plot 16) allows for 100 two-way movements (50 in and 50 out). The traffic assessment provided with the application is generally acceptable although there are some reservations about the results.
26. The existing planning permissions in place for all the plots that form the application site have been assessed by the applicant for the likely number of vehicles trips each could be expected to generate in isolation. NCC (Highways) has made a similar assessment taking into account the existing permission in place for plot 16 and that plots 11 and 13 are unlikely to be developed for Class B1 office use given the surrounding operational waste sites. NCC (Highways) considers that assessing traffic generation based on Class B2 industrial use is more representative for the area and has calculated that the size of the plots would result in 179 passenger car unit (PCU) trips in addition to the 50 HGV trips for plot 16.
27. It is generally accepted that HGVs have a much greater impact on the public highway than a private car. A private car has a PCU value of 1 whereas a HGV has a PCU value of 2.3. Therefore, 179 PCU trips is equivalent to 78 two-way HGV trips (39 in and 39 out) which, when added to the permitted 100 two-way HGV trips for plot 16 (50 in and 50 out), gives a total of 178 HGV two-way trips, or 89 HGVs in and 89 HGVs out.
28. NCC (Highways) is prepared to accept a 10% increase on this estimate to accommodate any seasonal variations and would support the application if it restricts HGV movements to 200 per day (100 in and 100 out). Other recommended conditions include the operator keeping accurate records of loads entering and leaving the site, details of which should be made available to the County Council on request; the submission of a Transport Report including traffic surveys prior to the commencement of the development and at periods of 12 and 24 months after the development is first brought into use; the submission of a traffic management plan regarding access and egress so as not to compromise highway and pedestrian safety; the surfacing of the site access with a bound material for a minimum distance of 30 metres behind the highway boundary; the provision of wheel washing facilities; and the submission of a condition survey of Wigwam Lane. Confirmation is required that the existing site layout is large enough to allow two-way free-flow movements. Further notes to the applicant are recommended regarding the construction/alteration of the crossing point over a footway/verge of a public highway and the restriction of HGVs onto Hucknall High Street through the town centre.
29. **NCC (Noise Engineer)** has no objection subject to a number of conditions, namely the construction of the noise attenuation wall in accordance with specifications previously agreed with the Waste Planning Authority; noise levels from the site to not exceed existing background noise levels by 5dB (including a 5dB penalty for tonal/impulsive noise) when measured 3.5 metres from the nearest façade of the nearest property; all plant and vehicles under the control of the operator to only employ white noise reversing alarms; specifying the hours of operation at the site; limiting the amount of waste processed at the site to 75,000 tonnes; crushing and screening operations to be restricted to plot 16; the location of the wheelwash facility to be restricted to



plot 16; all plant involved in any operations to remain at ground level at all times; stockpile heights to be restricted to five metres; the maximum amount of plant operating at any one time to be limited to one crusher, one screener, one loading shovel and two 360° loaders; the noise levels of any alternative/replacement plant and machinery not to exceed that which it replaces; and plant and machinery to be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications; and restricting the number of HGVs entering and leaving the site per day.

30. **NCC (Landscape)** considers that the erection of the five metre high acoustic wall would not have a detrimental impact on the existing landscape. It is recommended that ground levels at the southern end of where the wall is to be located should be raised slightly to match ground levels to the north to maximise the effect of the acoustic barrier and to negate the need for the barrier to be stepped. Although a *Leylandii* hedge to the rear of the wall would not be out of place in an industrial setting, an alternative of planting ivy to grow up the rear of the wall would provide a green screen. Existing mature trees should be protected during the erection of the acoustic wall in accordance with British Standards BS 5837:2005.
31. Regarding the visual impact of the proposed development, numbers 34 and 36 The Brickyard are located to the south west of the site. The application site is fairly well screened by the trees and shrubs along the site boundary, although there would be clear views into the site during winter, particularly from first floor windows at number 36 The Brickyard. The proposed acoustic wall would initially have a slight negative visual impact although the proposed ivy would soften the visual impact whilst the proposed 3.5 metre high trees at 2.5 metre intervals would eventually form a green screen. Details of ground preparation works for the planting should be submitted (width/depth of concrete to be broken up and removed, and the specification and depth of topsoil to be imported) along with the planting itself (species/size, compost/fertilizer) and access details for future maintenance. The section of wall requiring new planting should be planted with new trees, rather than through the thinning out and relocation of existing perimeter conifer trees. Ivy should be planted at 750mm centres along the wall.
32. It is recommended that if any material is stockpiled in the vicinity of the acoustic barrier, a height limit should be imposed and machinery should only work from ground level so that they are not visible and the acoustic barrier is effective.
33. **NCC (Reclamation)** considers that the main concerns with respect to contamination would be fugitive emissions by wind action, dusting or washout during an intense rainfall event, but these appear to be addressed with controlled stockpiles and sprinklers to suppress dust. Operating licence conditions would restrict the types of materials accepted onto the site. Whilst the site appears to have a concrete/tarmac surface which would attenuate any infiltration/permeation of surface waters, there are no drainage details supplied and the site is on a primary aquifer and, as such, surface drainage should be considered.

## Publicity

34. The application has been publicised by means of a site notice at the site entrance and a press notice in the Ashfield Chad. Neighbour notification letters have been sent to residential properties on The Brickyard to the south of the site and to various industrial premises close to the application site in accordance with the County Council's adopted Statement of Community Involvement.
35. Eight letters of objection have been received from members of the public living in six properties on The Brickyard, including a letter from a planning consultant representing one of these residents. Another letter has been received from a business close to the application site. The issues that have been raised are:
  - (a) Noise, including the lack of compliance with a noise abatement notice served by Ashfield District Council and the increase in noise which would result from the proposed development. Also, noise assessments should be based on the operation of plant on top of the piles of material. The proposed five metre high wall would make no difference to noise levels as plant operates on top of stockpiles. Reference to previous complaints made regarding noise are also made;
  - (b) Existing levels of dust which would increase as a result of the proposed development. It is also questioned how dust would be suppressed outside normal working hours when it could continue to be blown onto adjacent properties. The stockpiles of material on site should be lower than the height of the acoustic wall;
  - (c) A general intensification of activities on the site having an adverse impact on adjoining residential properties;
  - (d) Mud on the road;
  - (e) Surface water discharge into an adjacent brook which is a pollution threat;
  - (f) The proposed increase in the hours of operation;
  - (g) The lack of plans showing the proximity of the proposed operations to residential properties in addition to sight lines, the routeing of HGVs, the height of stockpiles;
  - (h) The removal and replacement of some existing conifer trees might not be successful and, as a result, some of the existing screening would be lost.
36. One resident has included a log of activities which they consider to be unacceptable.
37. Councillor John Wilmott, Councillor John Wilkinson and Councillor Alice Grice have been notified of the application.
38. The issues raised are considered in the Observations Section of this report.



## Observations

### Planning policy observations

39. There are a number of policies in the Nottinghamshire and Nottingham Waste Core Strategy (WCS) which are relevant to this application. Policy WCS3 (Future Waste Management Provision) seeks to ensure that future waste management proposals accord with the County and City Councils' aim of achieving 70% recycling or composting of all waste by 2025, with priority being given to the development of new or extended waste recycling, composting and anaerobic digestion facilities. Given that the application is for an inert recycling facility, it is considered that it accords with this policy.
40. Policy WCS4 (Broad Locations for Waste Treatment Facilities) considers the suitability of different sized waste treatment facilities in different areas of the county. According to the criteria in Appendix 2 of the WCS and when comparing this to the information submitted with the planning application, the proposed development is classified as a medium aggregates recycling facility (between one and two hectares in size and processing between 20,000 and 100,000 tonnes per annum). (The application site is actually just over one hectare in size and it is proposed to have a throughput of 75,000 tonnes of inert waste per annum). Policy WCS4 allows for small, medium and large facilities to be located in, or close to, the built up areas of Nottingham and paragraph 7.19 of the WCS confirms that the surrounding built up area of Nottingham includes Hucknall amongst other areas. The proposed development therefore accords with this policy.
41. Policy WCS7 (General Site Criteria) sets out the general locations, such as employment land, derelict land, the open countryside and the Green Belt, where different types of waste management facilities would be supported. Small, medium and large aggregates recycling facilities are considered likely to be suitable on employment land only, subject to their being no unacceptable environmental impacts and so, given the site's location on established employment land, it is considered that the proposals generally accord with this policy, subject to consideration of environmental impacts, which are considered in detail later in this Observations section.
42. Policy WCS8 (Extensions to Existing Waste Management Facilities) supports the extension, redevelopment or improvement of existing facilities where this would increase capacity or improve existing waste management methods, and/or reduce environmental impacts. This application has arisen as a result of the operators purchasing plots adjacent to their existing operational site (plot 16) and then extending operations into them in order to improve operations on site and it is accepted that increasing the size of the site would improve the way it operates and increase the amount of inert waste recycled there. However, these improvements on site need to be considered against their environmental impacts which are considered in detail below.
43. Policy WCS11 (Sustainable Transport) seeks to maximise the use of alternatives to road transport but the opportunities for this, particularly in relation to the nature of the proposed development, are limited. The inert

waste delivered to the site and the processed products taken off site are done so in small quantities. In addition to this, material arrives from a wide variety of locations and similarly departs the site heading to numerous locations and this way of working does not lend itself to bulk transportation. Whilst there is a rail line close to the site, this is part of the Nottingham Express Transit 'tram' system and would not be suitable or available for bulk transportation. It is therefore considered inappropriate to assess the proposed development against this policy.

44. Policy WCS13 (Protecting and Enhancing Our Environment) is probably the key WCS policy consideration for this application as it requires proposals to demonstrate that there would be no unacceptable impact on any element of environmental quality or the quality of life for those living nearby. In addition to this, the policy requires proposals not to result in an unacceptable cumulative impact and Members should be aware that there are a number of other waste management operations in the Wigwam Lane area along with other industrial activities such as a ready mix concrete business. There are also a number of saved policies in the Waste Local Plan (WLP) covering issues such as noise, dust and highways which are also relevant to this application. Assessment of the application against these policies is detailed below through consideration of a number of potential environmental impacts.

#### Intensification of the use of the site

45. The application site, and the surrounding industrial area in general, has been the subject of complaints in the past from local residents living on The Brickyard to the south west of the application site, with the nature of the complaints largely relating to dust, noise and the perceived increased intensity of activities and operations, particularly on those plots closest to these properties (plots 11-14). These complaints have been reflected in objections to this application and are also reflected by concerns raised by ADC's EHOs during the assessment of the application and the revised site layout proposals submitted by the applicant seek to address these complaints and concerns. As highlighted in the Planning History section above, ADC issued a Noise Abatement Notice on the applicant in 2013, the requirements of which remain in place to this day.
46. Regarding the intensity of the use of the site, it had originally been intended to create a one way system for the movement of HGVs through the site with HGVs accessing the site off Wigwam Lane and travelling south west through plots 16, 10 and 11 and then north west through plots 12, 13 and 14, where they would pass through a wheelwash before exiting the site via a private road heading north east back to Wigwam Lane. This original route is highlighted on Plan 3 in order to highlight how it compares to the revised situation which is now under consideration and detailed on Plan 2.
47. In light of concerns regarding the number of HGVs which would travel through the site along the originally proposed route and this route's close proximity to residential properties to the south west, the application has been amended so that the vast majority of HGVs would now enter the site via the existing site access off Wigwam Lane and would perform a 'U-turn' within the confines of

plot 16 and exit the site directly onto Wigwam Lane via an exit point approximately 30 metres to the north of the existing access, an exit point which has been used in the past and already has a dropped kerb in place (see Plan 2). The applicant anticipates a small number of HGVs (approximately 10% of the total) carrying out a three-point turn using a turning area within plot 16 and then exiting via the existing access point. In either case, there would no longer be a requirement for all HGVs entering the site to travel through the site and run close to the nearby residential properties.

48. This change being proposed would result in all HGVs entering the site with inert waste manoeuvring around the site within plot 16 only, thereby travelling no closer than approximately 70 metres from the south western boundary of the site, adjacent to which are the residential properties. HGVs entering the site to collect processed products would need to travel further into the site to where it is proposed to stockpile the processed products but clearly this would be significantly fewer HGVs, potentially half the number, than originally anticipated. It is also anticipated that, in order to run the site as efficiently as possible, the operators would stockpile those products which generate the greatest sales closest to the Wigwam Lane end of the site, in plots 10 and 11, in order to minimise the distance that HGVs collecting those products would have to travel through the site. Such a set-up on site would also minimise the distance that on-site plant would need to travel when moving processed materials from the crusher/screener area to the stockpiling area. What these proposals would result in would be far fewer HGVs and on-site plant travelling to and from plots 12, 13 and 14 than might have been the case and it is considered that this would significantly benefit adjacent residential properties in conjunction with other mitigation measures proposed.
49. Given that there is a point of exit from the site onto the private access road at the present time, the revised site plan indicates that this would be fenced off, although the applicant has recently indicated that the retention of the gates for emergency access would be useful. It is considered appropriate to confirm this matter by attaching a condition to any grant of planning permission requiring the gates at that access to be permanently closed and the access not to be used in association with the development, except when life, limb or property are in danger. This would ensure that the day to day running of the site would utilise the two access points onto Wigwam Lane, rather than this other entrance, in order to reduce the impact of the development on residential amenity.
50. Amendments have also been made to the proposed development with regards to the location of the crusher and screener, the activities on site which have the greatest potential to generate adverse environmental impacts. It was originally intended to locate the screener in plot 11, approximately 50 metres from the south western boundary of the site, with the crusher towards the south western end of plot 16, approximately 80 – 90 metres from that boundary. The application under consideration now would see both pieces of plant located in plot 16 with the screener approximately 90 – 100 metres from the south western boundary and the crusher approximately 110 – 120 metres. Once again, Plan 3 shows the original proposal in terms of the location of the screener and crusher whilst their location as now proposed is on Plan 2.

51. The stockpiles of processed material which have passed through the screener and are awaiting removal to the stockpile areas would partially screen the crusher from residential properties on The Brickyard which is considered beneficial given that the crusher is the noisier piece of plant. As both pieces of plant are mobile and can be moved as operations on site require, it is again considered appropriate to attach a condition to any planning permission granted requiring both pieces of plant to only operate within plot 16, to the benefit of residential amenity. This is also likely to be of benefit to the operators as their existing environmental permit issued by the Environment Agency only allows these pieces of plant to operate in plot 16, so no variation to this permit would be required with this restriction in place.
52. A final change that the revised site layout has brought about is the repositioning of the wheelwash. A wheelwash has been on site for some time now but the Waste Planning Authority has advised the operators that planning permission is required for its use. It has therefore remained unused and is presently located on plot 12, approximately 25 metres from the south western boundary of the site. The original site layout envisaged the wheelwash remaining in this location (see Plan 3) but the revised site layout (see Plan 2) would see the wheelwash relocated into plot 16 close to Wigwam Lane, approximately 115 metres from the south western boundary. Again, this would remove part of the operation of the site away from residential properties to the benefit of residential amenity and a condition ensuring that it remained in this position is considered appropriate.

## Noise

53. Policy W3.9 of the WLP seeks to reduce the noise impacts of waste developments by restricting the hours of operation; sound proofing fixed and mobile plant; using alternatives to reversing beepers; providing stand-off distances between operations and noise sensitive receptors; providing noise baffle mounds and screen fences; and setting maximum noise levels at noise sensitive locations. With respect to minerals proposals, the NPPF makes it clear that unavoidable noise emissions should be controlled, mitigated or removed at source and appropriate noise limits should be established with respect to noise sensitive properties. Given the similar operating nature between minerals and waste operations, the NPPF is considered relevant in this respect and a noise survey was submitted with the application and subsequent revisions to that survey provided.
54. In order to mitigate the noise impacts of the proposed development, the applicant is proposing to install a five metre high concrete acoustic wall along the entire length of the south western boundary of the site, adjacent to the residential properties on The Brickyard. The wall would also serve as a push wall against which processed materials could be stockpiled prior to sale and removal from the site.
55. The applicant has updated the noise survey originally carried out to include an assessment of the impacts of the proposed development on Saturday mornings when background noise levels could be less than during the working week, in addition to taking into account the changes to the site layout now

being proposed and all the operations likely to take place on site at any one time, as requested by ADC's EHOs. The noise survey also takes into account recent upgrades the operators have made to the screener, crusher and a front loading shovel on site, plant which is considered to be quieter than the plant they replaced. The noise survey accepts that noise levels would vary depending on the position and heights of the stockpiles of processed material with larger stockpiles reducing the noise impact. However, the survey has been carried out on the assumption that the acoustic wall is the only noise attenuation in place.

56. The noise survey considers that the noise impacts of the proposed development with the acoustic wall in place would be no higher than of 'marginal significance' for weekday operations for ground floor, first floor and garden receptors at the nearest residential receptors at The Brickyard. This would also be the case for Saturday operations with the exception for first floor receptors where the noise impact would be above 'marginal significance'. The survey also states that further assessment would be required should operations on site change significantly from those being proposed in this application.
57. Both ADC, and in particular its EHOs, and the County Council's Noise Engineer are now satisfied that the proposed development would not lead to an unacceptable level of noise at nearby residential properties with the acoustic wall in place and taking into account the significant amendments that have been made to the proposed site layout and proposed operations. A number of noise related conditions are recommended to ensure noise impacts are within acceptable limits including the construction of the acoustic wall in accordance with previously approved details and its subsequent maintenance; setting noise limits, as measured from the nearby residential property on The Brickyard; providing for noise surveys should justifiable complaints be received and the implementation of any additional measures deemed necessary to prevent further justifiable complaints; restricting the hours of operation; the use of 'white noise' reversing alarms; restricting the location of the crusher, screener and wheelwash to plot 16; restricting the height of stockpiles; restricting the amount of material processed through the site per annum; and daily limits regarding the number of HGVs passing through the site. Whilst it is accepted that noise from the proposed development would not be totally eliminated from neighbouring properties, it is considered that these matters would help to keep noise levels at acceptable levels in accordance with Policy W3.9 of the WLP and Policy WCS13 of the WCS.
58. One issue that has been raised by local residents in the past has been the positioning of some plant and machinery on top of stockpiles of inert material. Not only does this raise issues of visual intrusion but it can also lead to increased noise levels and such a scenario in the future could lead to plant or machinery being located in a higher position than the top of the proposed acoustic wall, a situation which would diminish the acoustic benefits that the wall is intended to provide. The noise survey carried out by the applicant is based on all plant and machinery being at ground level and so another condition to this effect is considered appropriate. This would also have benefits in terms of the visual impact of the proposed development from neighbouring properties.



59. The application proposes to increase the hours of operation in place at the present time from 7.30am to 5.30pm Monday to Friday to 7am to 6pm and this has been an issue raised by objectors. For Saturdays, it is proposed to extend the operating hours from 8am to 1pm to 7am to 1pm. For the purpose of assessing noise, the National Planning Policy Framework (NPPF) Technical Guidance identifies 'normal working hours' as being from 7am to 7pm and so the hours of operation being proposed fall within these limits and are therefore considered acceptable.

## Dust

60. Policy W3.10 of the WLP seeks to control dust from waste developments by using water bowsers on haul roads; using screen banks; enclosing fixed plant and machinery that generates dust; siting dust generating activities away from sensitive receptors; temporarily suspending operations when necessary; and using tree screens where relevant. With respect to minerals development, the NPPF makes it clear that unavoidable dust emissions should be controlled, mitigated or removed at source and dust assessments should accompany planning applications. Given the similar operating nature between minerals and waste operations, the NPPF is considered relevant in this respect and a dust assessment has been carried out by the applicant.
61. Dust has been another source of complaint in the past and objections to the application have been made, in particular making reference to how dust would be controlled outside of normal operating hours. This matter was also raised in ADC's initial objection to the application. Again, it is considered that the amendments that have been made to the application would bring about significant improvements to the present situation. As highlighted above, operations most likely to generate dust, such as the use of the screener and crusher, would be restricted to plot 16 to keep them as far away as practically possible from residential properties. The majority of traffic travelling through the site would pass through the wheelwash which would help to suppress dust and also prevent mud from being carried onto the public highway.
62. In addition to this, the revised site layout plan has introduced a number of sprinklers onto the perimeter of the site. Whilst details of these sprinklers have not yet been finalised, the applicant has indicated that they would be 'auto dampeners' and so would be triggered by a pre-determined level of dust in the air. This means they could control any dust generated, irrespective of whether the site is operational or not, as opposed to being manually operated only during operational hours. This is considered an important matter and one which has been raised by local residents objecting to the application and also ADC in its initial response.
63. The revised site layout plan shows 19 of these sprinkler units around the perimeter of the site and a condition would be attached to any grant of planning permission requiring a dust management scheme to be submitted, providing further details of the sprinklers to be installed along with matters such as sweeping and dampening internal haul roads, limiting the speed of vehicles on site, and the temporary suspension of operations during periods of unfavourably dry or windy conditions. The approved dust management



scheme would need to be implemented as approved and maintained throughout the life of the development. With these measures in place, it is considered that the site could operate without adverse impact on residential amenity and so would accord with Policy W3.10 of the WLP and Policy WCS13 of the WCS.

### Highways

64. Policy W3.14 of the WLP does not allow for waste developments where the vehicle movements to be generated cannot be satisfactorily accommodated by the highway network or where they would cause unacceptable disturbance to local communities.
65. The application seeks permission for 150 vehicles to enter and leave the site per day. Condition 5 of Planning Permission 4/2006/0409, which the applicant presently operates under at plot 16, allows 50 vehicles to enter the site per day and the applicant considers that the increase to 150 vehicles a day is acceptable given that the proposed development now covers five further plots, all of which have planning permissions for various industrial uses and so which could be expected to generate their own levels of traffic if they were all operating independently. The applicant has also highlighted that not all of these vehicles would be large HGVs but would also include smaller pick-up vehicles and skip lorries. It is also worthwhile highlighting that, in addition to the traffic associated with the extant use of plot 16, the other five plots subject to this application benefit from planning permissions granted by ADC which have no controls in place with respect to traffic generation.
66. The Highways Authority has undertaken its own calculations in order to give a realistic idea of how many vehicles movements the additional plots would generate, taking into account the existing permission in place on plot 16 for the applicant's existing operation along with the nature of other developments in the area, namely the adjacent waste transfer station and concrete batching plant. With these other facilities in operation, the Highways Authority considers it unlikely that a Class B1 use (offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area) would operate on any of these plots and a Class B2 use (industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste)) would be more likely to operate in the area.
67. Based on this presumption, the Highways Authority considers that all the individual plots that form the application area could reasonably be expected to cumulatively generate 89 HGV trips per day, equivalent to 178 HGV movements. The Highways Authority considers that a daily limit of 100 HGV trips a day (200 movements) would be acceptable and would not result in an unacceptable impact on the local highway network and so would accord with Policy W3.14 of the WLP. Whilst this is 50 HGV trips per day less than is being applied for by the applicant, it is considered that the recommended daily limit would not detrimentally impact upon the operation of the site, based on the throughput of the site (75,000 tonnes per annum) not increasing above

and beyond what is presently permitted and for which the applicant works to with only 50 HGV trips per day.

68. Even if all HGVs entering the site with waste then leave without a load of processed product, each HGV would only need to carry 5.2 tonnes of inert waste in or out of the site to manage 75,000 tonnes per annum, based on a 50 week operating year and 550 HGV trips per week. However it is more likely that some HGVs entering the site with inert waste would then leave with a load of processed product. The limit of 100 HGV trips per week is therefore considered reasonable both in terms of the impact on the public highway and the efficient operation of the site.
69. A condition requiring the operator to keep records of loads entering and leaving the site would be attached to any planning permission granted to ensure this limit is being complied with. Other conditions have been recommended which are considered reasonable, although a recommended dilapidation survey of the section of Wigwam Lane immediately in front of the application area would need to be secured through a legal agreement as it relates to land outside the application area and outside the applicant's control. This would ensure that any obvious wear and tear to the highway resulting from the proposed development could be repaired at the applicant's expense but it is not considered reasonable to extend the survey further along Wigwam Lane give all the other HGVs that use the road in association with other developments in the area.
70. The Highways Authority has also recommended that HGVs associated with the proposed development be restricted from travelling onto Hucknall High Street and through the town centre. This is considered reasonable given that Policy W3.14 of the WLP seeks to protect local communities from unacceptable disturbance from HGVs. The Highways Authority has stated that the restriction would only apply to larger HGVs (18 tonne gross weight and above) and so skip lorries, which are smaller than this and which form a significant part of the applicant's business but would not have the impact on a busy high street that large HGVs would have, would not be captured by this restriction. It is therefore anticipated that such a restriction would not have a significant detrimental impact on the applicant's operation of their business but would reduce the disturbance of HGVs on the local community in accordance with Policy W3.14. Again, this matter would need to be secured by a legal agreement as it relates to matters outside the application area.

#### Landscape and visual impact

71. Policy W3.4 of the WLP seeks to reduce the landscape and visual impact of waste developments by retaining, enhancing, protecting and managing existing features of interest and value for screening; using features such as walls, fences, earth mounding and/or tree or shrub planting to screen sites; and by securing details of any planting to be provided, including the replacement of any failed planting.
72. In addition to providing acoustic benefits, the proposed wall on the south western boundary of the site would help screen views of the site from adjacent

residential properties. The applicant is proposing to attach a green plastic coated mesh to the side of the wall facing these residential properties and the County Council's Landscape Officer considers that there would be benefits from planting ivy at the base of the wall which could then grow up the mesh and reduce the visual impact of the wall.

73. In addition to this, the applicant is proposing to supplement existing Leylandii planting along the south western boundary with further planting in order that the entire length of the wall would be further screened by Leylandii planting. Whilst Leylandii are not necessarily typical of the local landscape, they are not considered inappropriate in this industrial setting and their evergreen nature would be beneficial in screening the site from nearby residential properties, given that another band of trees between the application site and neighbouring properties is largely deciduous. Leylandii are renowned for their fast growth but the applicant has demonstrated that the existing planting can be suitably maintained and a condition would be attached to any planning permission granted requiring the Leylandii planting to be maintained to a suitable height for the life of the development so that it doesn't create shading issues. It had been proposed to remove some of the existing Leylandii plants and to translocate them to provide the additional planting required but it is considered beneficial for the additional area to be planted with new plants as there is the danger of what are already fairly substantial plants failing if they are dug up and moved.
74. A condition is recommended requiring details of all landscaping proposals to be submitted for prior approval, including details of ground preparation and maintenance. With these measures in place it is considered that the proposed development would be suitably screened from neighbouring properties and so would accord with Policy W3.4 of the WLP and Policy WCS13 of the WCS.

#### The do-nothing scenario

75. Whilst the siting of the proposed extended waste transfer station in close proximity to residential properties has raised concerns, and given that the observations above confirm that the development as proposed would have a degree of impact on residential amenity, albeit one which would not cause unacceptable impacts, it is considered worthwhile setting out what the alternative scenario could be should planning permission be refused. As set out in the Planning History section above, the various plots as highlighted on Plan 1 which the applicant is applying to extend into benefit from a number of planning permissions granted by ADC. Given the age of these permissions, it is perhaps not surprising that they have few conditions attached to them to control the nature and scale of activities on them.
76. For example, planning permission V/1987/0355 for plot 10, which is immediately to the south west of plot 16 where the applicant presently has permission for their waste transfer station, allows for a haulage/storage depot and has a single condition simply requiring the development to begin within five years of the date of the permission. The permission for plot 11, which is immediately south west of plot 10, allows for car dismantling and dealers and has four conditions attached regarding commencement, the provision of

perimeter fencing, the height of stocked scrap cars, and the company to whom the permission benefits. Aerial photos and officer knowledge of the area indicate that both plots 10 and 11 have been used for the storage of pallets from at least 2004 until around 2011 and so the established use of both these plots for general storage has already been established and it is possible that certificates of lawful use could be secured for general storage on these two plots.

77. Planning permission 93/0429 for plots 12, 13 and 14 allows for B1 (business), B2 (general industrial) and B8 (storage or distribution) uses and includes conditions regarding the outside storage of materials, the use of former units on the site, screening and perimeter treatments. As stated above, it should be noted that the applicant is not using plots 12, 13 and 14 although they have been used recently by another nearby waste operator for skip storage.
78. The County Council as Waste Planning Authority therefore considers that it is not unlawful for plots 10 – 14 to be used for general storage and distribution which in effect is all that this application is seeking to do on these plots, now that the proposals have been revised to retain the crushing and screening activities on plot 16. In addition to this, the proposed development, if granted planning permission, would provide for the five metre high acoustic wall being proposed along with the dust suppression measures being proposed, matters that are not in place at the present time and which could not be secured under the existing permissions in place. Furthermore, various other conditions deemed appropriate to control the development so as not to cause unacceptable impact could be attached to any planning permission granted, such as various other matters to control noise and dust and a restriction on the number of HGVs that could enter the site. At the present time, there are not even any controls regarding the hours of working under the existing planning permissions for plots 10 – 14.
79. If planning permission was to be refused, any refusal would be accompanied by enforcement action requiring the operator to reinstate the fence which once separated plots 16 and 10. However, any such enforcement action could not stop the operator from continuing to use plot 16 under their existing permission and using plots 10 – 14 for storage and distribution, with processed inert material being transported from plot 16 to the other plots via the private road which runs from Wigwam Lane to the north western edge of plots 12 – 14. It is considered that this scenario would result in increased impacts on neighbouring residents, impacts which the planning system could do little to control to satisfactory levels. Any actions to deal with adverse environmental impacts would need to be dealt with by ADC's EHOs and the acceptance of what the 'do nothing scenario' might entail has been central to the lengthy discussions that have taken place between the Waste Planning Authority, the EHOs and the applicant to arrive at the proposal and recommendation before Members now.

#### Other matters

80. One final matter to consider is the response from the County Council's Reclamation Team which states that surface drainage should be considered in

order to prevent the discharge of any silt etc into the adjacent stream. A condition requiring all surface water drainage from the site to pass through trapped gullies is recommended and would ensure that the proposed development protects surface and groundwaters and accords with Policy W3.6 of the WLP.

### **Legal Agreement**

81. As set out in the Observations section above, a legal agreement would be required to secure two highways related matters: the dilapidation survey of the section of Wigwam Lane immediately outside the site entrances, and a lorry routeing agreement to prevent HGVs over 18 tonnes gross weight associated with the proposed development from travelling along High Street in Hucknall.

### **Other Options Considered**

82. 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 although the potential implications should planning permission not be granted are set out in the Observations section above.

### **Statutory and Policy Implications**

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

### **Crime and Disorder Implications**

84. The development would be located within an established industrial area benefiting from perimeter security fencing.

### **Human Rights Implications**

85. 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 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. The proposals have the potential to introduce impacts of noise, dust and general impacts on residential amenity to neighbouring properties. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of managing waste further up the waste hierarchy and also addressing a lack of planning control in the area as a result of historic planning permission in the area. Members will need to consider whether these benefits would outweigh the potential impacts.

## **Implications for Sustainability and the Environment**

- 86. These are considered in the Observations section of this report.
- 87. There are no service user, financial, equalities, safeguarding of children and human resource implications.

## **Statement of Positive and Proactive Engagement**

- 88. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions, and assessing the proposals against relevant Waste Local Plan policies and the National Planning Policy Framework, including the accompanying technical guidance. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees and the applicant to resolve issues and progressing towards the determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise, dust and traffic and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

- 89. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 to secure an annual dilapidation survey of the section of Wigwam Lane immediately adjacent to the application site and to restrict HGVs associated with the development with a gross weight over 18 tonnes from travelling along Hucknall High Street from its junction with Station Road north west to its junction with South Street.
- 90. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before 30 October 2014 or another date which may be agreed by the Team Manager, Development Management, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by 30 October 2014, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

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## **Constitutional Comments**

Constitutional comments shall be reported orally at committee.

## **Comments of the Service Director - Finance**

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

[SEM 09/09/2014]

## **Background Papers Available for Inspection**

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

## **Electoral Division and Members Affected**

Hucknall      Councillor Alice Grice  
                    Councillor John Wilkinson  
                    Councillor John Wilmott

Report Author/Case Officer

Jonathan Smith

0115 9696502

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

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09 Sept 2014

## RECOMMENDED PLANNING CONDITIONS

### Commencement

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

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

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

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

### Approved details

3. Except where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- (a) Planning application forms received by the WPA on 21 June 2013;
- (b) Planning Statement received by the WPA on 20 June 2013;
- (c) Plan entitled 'Location Map' received by the WPA on 10 June 2013;
- (d) Drawing Number 10428/101E – Layouts as Proposed received by the WPA on 29 May 2014;
- (e) Drawing Number 10428/102F – Layouts as Proposed (Cross Sections) received by the WPA on 29 May 2014;
- (f) Noise Assessment Report received by the WPA on 10 June 2013;
- (g) Dust Emissions Management Plan received by the WPA on 10 June 2013;
- (h) Transport Assessment received by the WPA on 1 October 2013;
- (i) Noise Assessment Report received by the WPA on 17 October 2013;
- (j) Noise Assessment Report received by the WPA on 29 May 2014.

*Reason: For the avoidance of doubt.*

### Hours of operation

4. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), or with the prior written approval of the WPA, operations associated with the development hereby permitted shall only take place during the following hours:

Monday to Friday                      7am to 6pm

Saturday                                7am to 1pm

There shall be no working on Sundays, Public or Bank Holidays

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Vehicle movements and highways matters**

5. The number of heavy goods vehicles (HGVs) entering the site shall not exceed 100 vehicles per day (200 two-way vehicle movements) and 550 vehicles per working week (1,100 two-way vehicle movements). Records shall be maintained by the operator of the number of HGV movements into and out of the site on a daily basis and shall be made available within seven days upon written request from the WPA. All such records shall be kept for at least 12 months.

*Reason: To ensure the number of HGVs entering and leaving the site can be satisfactorily accommodated by the local highway network in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

6. Within three months of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, a Transport Report incorporating a methodology for the surveying of traffic generated by the development hereby permitted, including an assessment of employee car parking and the speed of traffic on Wigwam Lane, shall be submitted to the WPA for its approval in writing. The Transport Report shall provide for separate surveys and analysis to be undertaken in accordance with the approved methodology at periods of 12 and 24 months after its approval and the submission of these surveys and analysis to the WPA within one month of their completion. The Transport Report shall provide for the updating of the national TRICS database in accordance with the Standard Assessment Methodology, or a similar methodology to be approved in writing by the WPA, and shall summarise the trip data collected over the monitoring period and categorise the data into vehicle types, speed, associated loads and equivalent HGV loads.

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

7. Within one month of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, a Traffic Management Plan demonstrating how the vehicles associated with the development hereby

approved access and egress the site so as not to compromise highway and pedestrian safety shall be submitted to the WPA for its approval in writing. The development hereby permitted shall be operated in accordance with the approved details.

*Reason: To ensure the safe and satisfactory operation of the development hereby permitted in the interests of highway and pedestrian safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

8. Within one month of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, internal roadways up to the two site access/exit points onto Wigwam Lane shall be surfaced in a bound material for a minimum distance of 30 metres of the highway boundary. The areas subject to the surfacing works shall be maintained throughout the life of the development to ensure the continued presence of a bound surface in these areas.

*Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. No development shall commence until the wheelwash, as detailed on Drawing Number 10428/101E – Layouts as Proposed, has been installed. The wheelwash shall be maintained in working order at all times throughout the development hereby permitted and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site.

*Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

10. In the event that the wheelwash to be installed in accordance with Condition 9 above proves inadequate, then within 2 weeks of a written request of the WPA a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of mud, dirt or other debris materials upon Wigwam Lane shall be submitted to the WPA for approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within 7 days of approval and thereafter at all times.

*Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

11. The gates at the existing vehicular access in the northern corner of the site, as identified on Drawing Number 10428/101E – Layouts as Proposed received by the WPA on 29 May 2014, shall not be used in accordance with the development hereby permitted and shall be kept permanently locked except when life, limb or property are in danger.

*Reason: In the interest of residential amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

12. The car parking spaces and a notional turning area, as identified on Drawing Number 10428/101E – Layouts as Proposed received by the WPA on 29 May

2014, shall be retained and made available for their designated purposes at all times.

*Reason: To ensure the safe and satisfactory operation of the development hereby permitted in the interests of highway and pedestrian safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Noise

13. Within one month of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, details of the specification and construction of the five metre high noise barrier, the extent of which is detailed on drawing no.10428/101 Revision E – Layouts as Proposed received by the WPA on 29 May 2014 shall be submitted to the WPA for its approval in writing. The submitted details shall include a timetable for the construction of the noise barrier and details of measures to raise ground levels on the southern section of the line of the wall to negate the need for the wall to be stepped. The wall shall be constructed in accordance with the approved details and satisfactorily maintained throughout the life of the development.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to help screen the site in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. The rating level of the noise emitted from the site shall not at any time exceed the existing background noise level by more than 5dB (including a 5dB penalty for tonal/impulsive noise) when measured in the garden area 3.5 metres from the nearest façade of the closest property and when assessed in accordance with BS4142:1997 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

15. In the event of a noise complaint being received by the WPA regarding the development hereby permitted which, in the considered opinion of the WPA may be justified, the operator shall, within one month of a written request from the WPA, undertake a BS4142:1997 noise survey to determine if the noise level detailed in Condition 14 above is being breached and submit the survey results in a report to the WPA for its approval in writing. Details of the noise survey, including the position of noise monitoring equipment, the methodology to be used and the date(s) for the survey to be undertaken, shall have been agreed with the WPA prior to the survey taking place. In the event that the noise survey indicates that the noise criterion detailed in Condition 14 above is being exceeded, the submitted report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and thereafter maintained for the life of the development.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

16. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

17. All plant and machinery involved in any operations associated with the development hereby permitted shall operate at ground level at all times. No plant or machinery shall operate on top of any stockpile on the site.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

18. All stockpiles of waste and processed inert material on site, including stockpiles of incoming inert waste, stockpiles of processed waste in the screener/conveyor area and stockpiles of processed material awaiting export from the site, shall not exceed five metres in height. The height of stockpiles on the south western boundary of the site shall not exceed the height of the noise barrier constructed in accordance with details pursuant to Condition 13 above.

*Reason: In the interest of visual amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impacts of dust in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

19. Crushing and screening operations shall only be undertaken in Plot 16 and broadly in accordance with the locations detailed on Drawing Number 10428/101 Revision E – Layouts as Proposed received by the WPA on 29 May 2014.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

20. The wheelwash on the site shall be used only when located in Plot 16 and broadly in accordance with the location detailed on Drawing Number 10428/101 Revision E – Layouts as Proposed received by the WPA on 29 May 2014.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

21. The maximum plant and machinery compliment permitted to operate at any one time at the site shall be as follows:

1 x Crusher



1 x Screener

1 x Loading Shovel

2 x 360° Loaders

The noise emissions of any alternative or replacement plant and machinery shall not exceed that which it replaces.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

22. All plant and machinery on site shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

*Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Dust**

23. No development on site shall commence until a dust management scheme has been submitted to, and been approved in writing by, the WPA. The dust management scheme shall set out measures to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors to acceptable levels and provide a scheme for dealing with complaints. The dust management plan shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- (a) The submission of details for dust suppression sprinklers to be installed around the perimeter of the site, details to include the operation of the sprinklers which shall provide for their operation both during and outside normal operating hours;
- (b) The sweeping and dampening of access and haul roads, where necessary;
- (c) Limiting on-site vehicle speeds;
- (d) Provisions for the temporary suspension of crushing, screening, stockpiling of materials and vehicle movements during periods of unfavourably dry or windy weather conditions;
- (e) Details of the mechanism for dealing with any complaints received either directly from members of the public or via the WPA.

The dust management plan shall be implemented in accordance with the approved details and the dust suppression sprinklers shall be suitably maintained throughout the life of the development.

*Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Operational matters**

24. The maximum quantity of inert waste processed at the site should not exceed 75000 tonnes per annum. Only inert wastes shall be imported, processed and stockpiled at the site and no non-inert waste materials shall be brought onto the site. In the event that any non-inert waste arises from the inert waste processing, such waste shall be stored within separate waste skips and, once full, shall be removed from the site and disposed of at a suitably licensed facility.

*Reason: In the interest of local amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Drainage**

25. All surface water drainage from the site shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

*Reason: To prevent pollution of the water environment and to ensure compliance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Floodlighting**

26. No floodlighting shall be erected at the site until details have been submitted to and approved in writing by the WPA. The details shall include the location and height of any floodlights; shall ensure that they are angled downwards and suitably shielded to ensure that they do not result in glare or dazzle to surrounding land, property and other users; confirm that they shall not be used outside the hours of 7am to 6pm Mondays to Fridays, 7am to 1pm on Saturdays and not at all on Sundays, Bank or Public Holidays; and shall confirm that outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

The floodlighting shall be implemented and maintained for the life of the development in accordance with the approved details.

*Reason: In the interest of residential amenity.*

## **Landscaping**

27. Within one month of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, a landscaping plan and landscaping details shall be submitted to the WPA for its approval in writing. The landscaping plan shall include the following details:

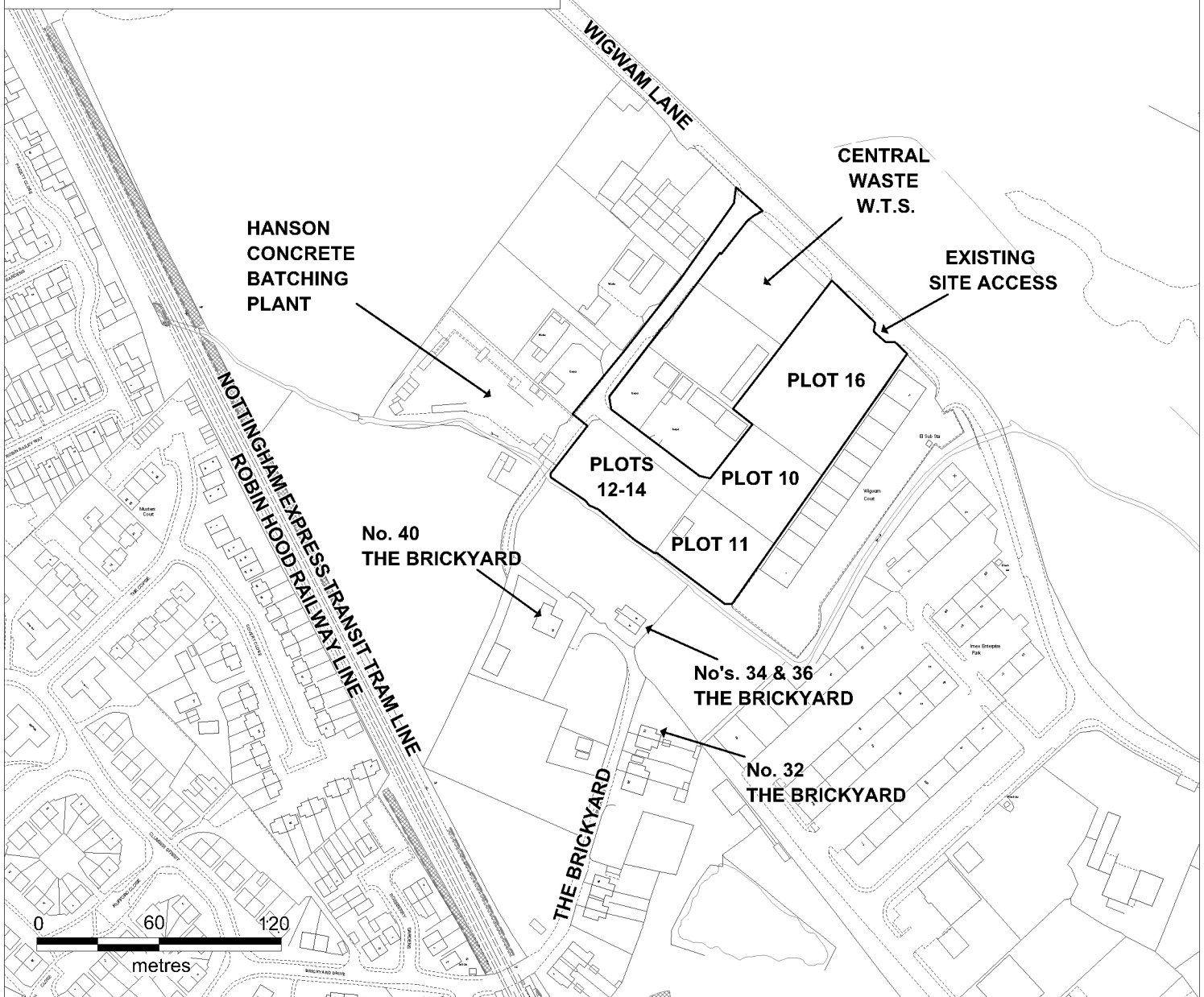
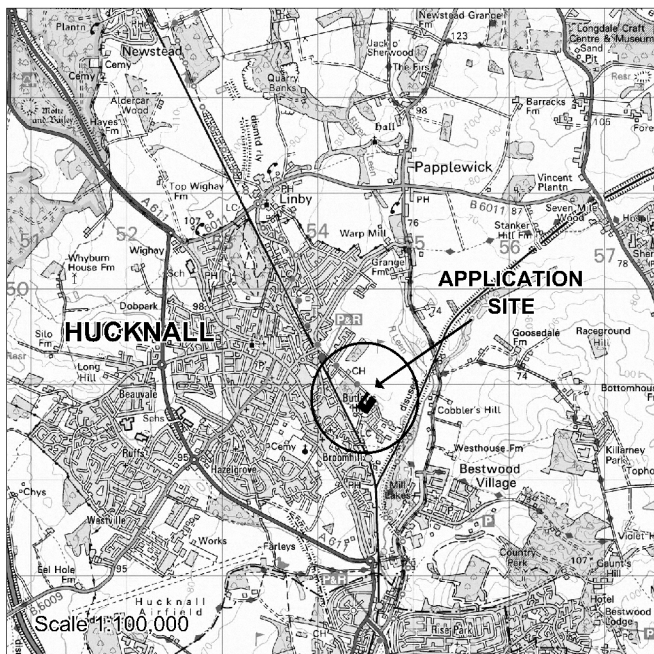
- (a) The erection of green plastic coated mesh on the south western face of the noise barrier approved in accordance with details submitted under Condition 13 above;
- (b) Details of ground preparation works for the planting of ivy and Leylandii on the south western side of the noise barrier approved in accordance with details submitted under Condition 13 above, including the location, width and depth of concrete to be broken and the specification of topsoil to be imported;
- (c) Details of the ivy and Leylandii to be planted, including species, sizes, spacings and the provision of compost and fertilizer;
- (d) A schedule of maintenance for the life of the development hereby permitted.

The landscaping shall be provided in accordance with the approved details and thereafter maintained in accordance with the approved maintenance details.

*Reason: To screen the site from adjacent residential properties and reduce its visual impact in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

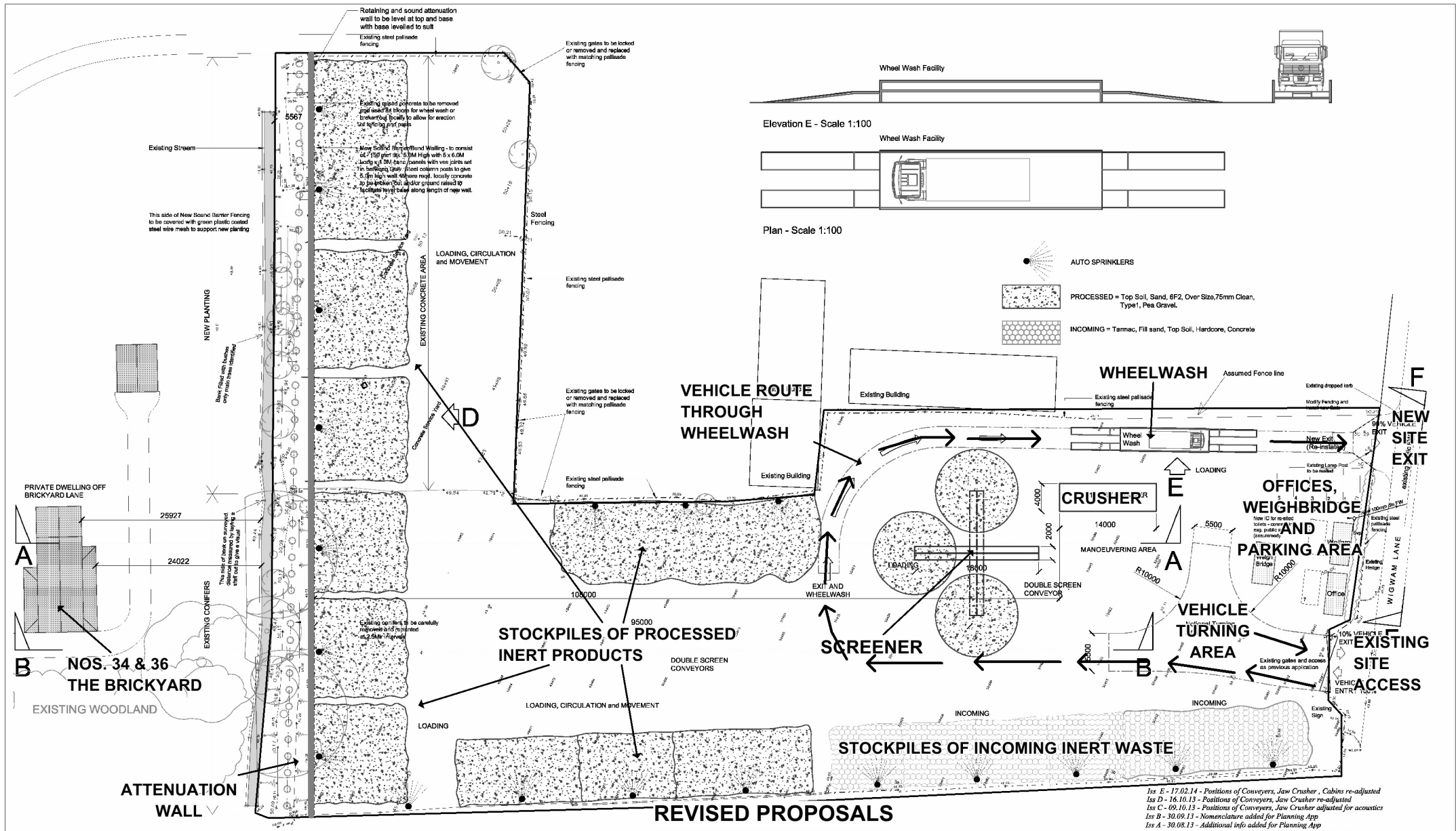


# PLAN 1









**Nottinghamshire  
County Council**

Retrospective use of site for recycling of inert materials and construction  
of 5 metre high sound attenuation wall. Plots 10,11,12,13,14 & 16,  
Off Wigwam Lane, Hucknall, Nottinghamshire.

Planning Application No. 4/V/2013/0359  
Page 9 of 106

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Produced by: JW  
Date: SEPT 2014

**PLAN 2**









**30 September 2014**

**Agenda Item:8**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**BASSETLAW DISTRICT REF. NO.: 1/V/14/00823/CDM**

**PROPOSAL: VARIATION OF CONDITION 2 OF PLANNING PERMISSION  
1/47/06/00027 TO PERMIT THE USE OF MOTOR POWERED BOATS FOR THE PURPOSE  
OF PROVIDING AN 'ON-WATER EXPERIENCE' FOR SCHOOLS AND OTHER  
APPROPRIATE GROUPS**

**LOCATION: DANESHILL LAKES LOCAL NATURE RESERVE, DANESHILL ROAD,  
NR LOUND, RETFORD**

**APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES**

**Purpose of Report**

1. To consider a planning application to extend the use of powered boats on Daneshill Lakes to provide an on-water experience for schools and other appropriate groups. The key issues relate to the impact on wildlife and other users of the lakes. The recommendation is to grant planning permission subject to conditions.

**The Site and Surroundings**

2. Daneshill Lakes are located approximately 750 metres east of the section of the A638 running between Barnby Moor and Torworth. Barnby Moor is approximately 1.5 kilometres south west of the lakes and Torworth approximately one kilometre to the north west. Ranskill is around 1.5 kilometres north west of the lakes whilst Lound is approximately two kilometres to the east. The main east coast railway line runs to the immediate west of the lakes roughly parallel with the A638 and crosses Daneshill Road which runs east to west along the northern boundary of the lakes and off which the lakes can be accessed (see Plan 1).
3. The area of the lakes forms part of a wider area which was formerly the Royal Ordnance Factory at Ranskill. The factory was mothballed in 1945 (but retained on a care and maintenance basis until its ultimate closure) after which gravel extraction took place. Further extraction was undertaken by the County Council in the 1980s and the area restored to open lakes, mixed scrub and



birch woodland, and areas of acid grassland. The area is important habitat for over-wintering wildfowl, other bird species and butterflies and is designated as Daneshill Lakes and Woodland Local Wildlife Site (LWS) described as 'a very rich mosaic of woodland, marsh and aquatic habitats on old sand and gravel workings - of note for both its plant and animal communities'. Much of the remaining area of the Ordnance Factory has been used for waste disposal and there remains an operational landfill site to the north east of the lakes.

4. The application site covers an area of just over ten hectares and comprises the main lake in the centre of the wider lakes area. A public footpath goes around the entire lake and comprises Lound Footpaths 12 and 14, Sutton Footpaths 11 and 13 and Torworth Footpaths 4, 9 and 10. There are three islands within the lake. The lake is accessed via Daneshill Road to the north and there is a car park to the immediate south of this road. The nearest residential properties to the site are Daneshill Cottages which are approximately 250 metres to the north of the north eastern corner of the site (see Plan 1).

### **Proposed Development**

5. Planning permission 1/47/06/00027 allows for the 'continued use of lakes for sailing, windsurfing and canoeing' with the permission applying to the main lake only and to provide quiet areas for wildlife elsewhere on the site. Condition 2 of the permission states that 'no power craft are permitted to use the lake except for rescue/safety purposes or in case of emergency'.
6. The application is seeking to vary this condition and is retrospectively applying to regularise the use of powered boats on the lakes for other uses centred on taking people, particularly children from local schools, including a local special school, around the lakes in order to experience the local wildlife and flora. The application states that the boats used for this purpose travel across the water slowly in order to maximise the experience for the children. The speeds involved are far less than those that can be engaged by the boats when involved in emergencies and for which permission already exists.
7. The application also details the frequency of use of the lakes by sailing boats and school visits. The season runs from the beginning of March to the end of October but, of the 245 days available in this period, the lakes are only used for around 58 days. 35 of these are for the sailing club on Sundays with school trips taking place on 11 days. The remainder are used for training sessions, either mid-week or on Saturdays, and an annual event by the Retford Rotary Club.
8. The application considers that the additional use of powered boats over and above what is presently permitted has not had a detrimental effect on the environment or the local wildlife in the past. It states that the wash created by the boats is less than the waves generated by Force Four winds (a moderate breeze).
9. In light of objections received on the application, the applicant has provided a plan indicating areas where powered boats would and would not be allowed to



travel during the 'on-water experience' trips for schools and other groups. Boats needing to rev their engines for short periods of time would be restricted to a small area close to the jetty and this is also highlighted on the plan. This revving of engines is required to clear the spark plugs which can become oiled during prolonged periods of travelling at low speeds which can in turn lead to mis-firing or the inability to start the engines during an emergency. Details of the areas where these particular activities would and would not be undertaken are detailed on Plan 2.

## Consultations

10. **Bassetlaw District Council** objects to the application as the use of motor powered boats for recreational use can cause noise implications for local residents. The noise from outboard engines is often at a particularly disturbing frequency which propagates readily, travels far and has a high propensity to cause statutory noise nuisance. The council's environmental health officer has concerns about any intention to remove conditions relating to the use of powered boats. Although the proposals are only for small-scale use of powered craft, removing the condition could have implications for the future use of the lake for recreational power boat use.
11. The County Council should consider refusing the application on the basis of noise concerns, or placing appropriate conditions on the application which restrict the number of boats on the water at any one time to two, and only allows them to be used between 10am and 3pm Monday to Saturday with no use on Bank Holidays.
12. **Torworth Parish Council** objects to the application as Daneshill Lake is a nature reserve and having motorised boats would frighten off the wildlife and change the whole nature of what Daneshill is about. Motor boats can be very noisy and could cause inconvenience to people in the village, people visiting the lake to feed ducks etc, people fishing on the lakes, and to the wildlife living there. Overall, the lake is a family nature reserve and the proposal would not be family or wildlife friendly.
13. **Sutton Parish Council** objects to the application as, although it does not object to the use of a motorised rescue boat in case of difficulties with one of the sailing boats, it considers that the setting within a nature reserve is not conducive to power boat trips. There would be an increase in noise pollution and oil in the lake which would have a detrimental impact on wildlife with low lying nests getting swamped. The parish council considers there has been a decrease in coots at the lake. Whilst the applicant's justification that the use to provide a 'water experience' to pupils with special educational needs from St Giles School is commendable, the lakes are a nature reserve and should not become a water sports centre.
14. **Nottinghamshire Wildlife Trust** objects to the application as it considers important information is missing which would enable the application to be considered rigorously as required by the National Planning Policy Framework. The application site is part of a Nature Reserve and is also designated as a LWS for both its mosaic of woodland and wetland habitats and also its fauna.

*The wetland breeding birds are an important element of that fauna and whilst they may have acclimatised to a particular level of disturbance over the years, it does not follow that further disturbance would not be detrimental for those populations of sensitive species. It is normal for an application that affects a LWS to have some form of Ecological Impact Assessment.*

15. *NWT is sympathetic to the importance of the lake for school sailing and particularly for use by disabled groups, but is also mindful that the use of motorised boats inevitably causes disturbance, particularly in the bird breeding season. Their officer on site has received numerous reports of the motorboats going around the reserve at totally unacceptable speeds and has witnessed this himself. The Trust is concerned that if the condition is varied to include an assumption of the acceptability of the power craft, then it would be almost impossible to enforce either any restrictions on regularity of use or speed.*
16. *Whilst the applicant states that birds breed successfully on the lake and that the activity to date has not prevented this, there is no baseline against which to compare this, as unauthorised motorised activity of taking groups round the lake, rather than just having a safety boat available, appears to have been taking place for some time. The existing and potential impact, therefore, is not known.*
17. *NWT accepts that the availability of a motorised boat is necessary as a safety boat for school groups and training, but is concerned that ensuring the readiness of the engine to be available in an emergency situation involves revving the engine and thus a substantive increase in noise levels. The applicant has stated that they undertake this only in front of the jetty, but this would need to be specified in any revised condition.*
18. *NWT remains unconvinced as to the necessity of using motorised boats for taking groups around the lake to view the wildlife, as this could presumably be better done, with less disturbance to that wildlife, in a rowing boat. At the lower speed of an un-motorised vehicle it would be considerably easier to gain more from their experience by both viewing and hearing fauna around the lake, such as singing birds, chicks calling to their parents etc., which would be drowned out by the noise of an outboard engine. So whilst NWT supports the importance of children from St Giles School being able to go out on the lake and experience the wildlife, the applicant has not explained why this has to be done on motorised boats. If it is shown to be necessary, then strict controls on speed and frequency of use would need to form part of the wording of the condition.*
19. *As proposed, the applicant appears to wish to be able to use motorised boats for 58 days, which unfortunately all lie within the period of the bird breeding season, as this coincides with the sailing season. In the absence of any form of rigorous assessment of the potential impacts on sensitive fauna, it is not possible to determine whether this frequency of disturbance during the breeding season would be damaging or not to the wetland bird populations and marginal vegetation. Information should be provided on the species of birds using the lake for breeding, and information on the predicted noise levels that would be experienced as a result of these proposals.*

20. **NCC (Nature Conservation)** notes that the application is seeking to regularise the use of powered boats on the lake which the supporting documentation suggests are generally used at low speeds, thereby not causing significant impacts to birds nesting at the site. Whilst the reasons for more regular use of motor powered boats on the lake is understood (i.e. beyond their use for safety), reports and photographs which appear to indicate that the use is not 'low speed' as is indicated (and sometimes not for the purpose of providing on-water experience for children) is concerning and this may give rise to unnecessary disturbance to wildlife and would not be in keeping with the site's status as a Local Nature Reserve. It should also be noted that the site is important for aquatic plants (particularly stoneworts, *Chara*), which could be detrimentally affected by the disturbance of sediment in the lake, although this is likely to be less of an issue.
21. It may be possible to tightly condition the extended use of motor powered boats by clearly specifying the non-emergency situations in which the boats could be used, and setting a speed that the boats should not exceed (except in the case of dealing with an emergency), but there are concerns about the enforceability of such a condition. However, if such a condition could be used, and enforced, then the application could be considered more favourably.

## Publicity

22. The application has been publicised by means of two site notices in accordance with the County Council's Adopted Statement of Community Involvement: one on a notice board adjacent to the lake itself and the other on a notice board by the nature reserve car park.
23. Thirteen letters of objection have been submitted in relation to the application which have raised the following concerns:
- (a) Impacts on wildlife around the lakes, particularly nesting birds, from the wash and noise created by powered boats;
  - (b) The use of powered boats would spoil the peace and tranquillity of the area;
  - (c) The sailing club does not comply with the existing planning condition in place and so this should not be relaxed further;
  - (d) Noise impacts on both wildlife and people enjoying the lakes;
  - (e) The lake is not appropriate for powered boats;
  - (f) Trips around the lake for pupils at St Giles School should be undertaken in rowing boats instead;
  - (g) Powered boats cause problems for anglers using the lakes;

- (h) Pollution of the lake.
24. Thirty five letters of support have also been submitted, including letters from North Wheatley Church of England Primary School, Carr Hill Primary School, the Royal Yachting Association, and Bassetlaw District Councillor Mike Quigley MBE, raising the following matters:
- (a) The use of powered boats is essential to ensure the safety of people sailing on the lakes;
  - (b) The sailing club has a long association with local schools, including St Giles Special School;
  - (c) The use of powered boats gives an opportunity for people to enjoy the wildlife of the lake;
  - (d) The sailing club respects the wildlife of the lakes when using the powered boats;
  - (e) Taking people, especially children, out on the lake in powered boats introduces them to this environment and encourages them to take up sailing;
  - (f) The sailing club is run by voluntary help to the benefit of the local community;
  - (g) The sailing club uses the powered boats sensibly;
  - (h) The powered boats are also put to other uses on the lake, including ecological work;
  - (i) The erosion caused by waves created by the powered boats is no worse than waves created by the wind.
25. One member of the public has suggested a form of wording for a planning condition which would meet the needs of the sailing club whilst ensuring that no harm is caused to amenity or wildlife. The proposed condition would allow power boats to facilitate sailing, including the safety of participants, providing training, and deploying and recovering boats and buoys; provide a water experience associated with sailing activity for school children, disabled people and others; and maintaining the lake, islands and adjoining land.
26. **Councillor Liz Yates** has been notified of the application.
27. The issues raised are considered in the Observations Section of this report.

## Observations

28. This application has generated a significant amount of public interest in terms of both objections and support. Objections largely centre on the incompatibility of powered boats on the lake in terms of impacts on wildlife and other users of the lake, in addition to alleged breaches of existing controls in

place. Supporters of the application have cited the need for powered boats on the lake for safety purposes during sailing lessons and the benefits that the local community, schools and groups gain from taking trips on the lake.

29. The correspondence that has been received, along with discussions that have taken place with objectors and supporters alike, would appear to suggest that a great deal of mistrust exists at the present time, particularly between the sailing club and anglers using the lake with claim and counterclaim being put forward. It would appear that there is no forum, such as a liaison group, for all interested parties to meet on a regular basis and discuss and resolve any ongoing concerns.
30. In response to the consultation responses and the letters of objection submitted, the sailing club has submitted a letter seeking to clarify what is being proposed and how they intend to manage the use of powered boats on the lake. These are set out below along with the County Planning Authority's observations.

#### Noise

31. The sailing club does not consider that there would be an increase in noise as the powered boat usage they are seeking permission for is no more than they have been exercising in the past and for which they are now seeking authorisation through the planning process. Whilst the application does make reference to 'powered boats', the sailing club has highlighted that those used on the lake are small, low-powered boats and not the type usually associated with the term 'power boat'. The sailing club has also pointed to other significant noise sources in the area, such as trains on the railway line and Daneshill Road which serves a landfill site and a concrete works.
32. It can be confirmed that the County Planning Authority has never received a complaint regarding the level of noise generated by powered boats on the lake. Whilst Bassetlaw District Council's concerns about the intensification of use of the lake by powered boats is understandable, it is considered that conditions could be attached to any planning permission granted to strictly control the use of such boats to those activities listed in the application. Such conditions could include references to the maximum number of powered boats allowed at any one time (two) and the speed at which they could travel (four miles an hour) unless in an emergency associated with the sailing club's activities. With such conditions in place, it is considered that noise levels could be maintained at existing levels, levels which have not led to complaints in the past and so which, it is considered, would not adversely affect residential amenity.
33. Regarding the restricted hours of use proposed by Bassetlaw District Council, in particular not allowing powered boats on the lake on Sundays, the sailing club has highlighted that Sunday is its main sailing club day. Again, given the above conditions proposed to strictly control the use of powered boats on the lake and the lack of complaints regarding their use in the past, it is not considered reasonable to impose this restriction, particularly given that the powered boats are only used for emergency situations on Sundays.

### Pollution of the water

34. The sailing club does not envisage a pollution problem as the refuelling of boats takes place out of the water where it is safer to do so. Again, the sailing club has reiterated that the level of powered boat use proposed on the lake would be no greater than has been undertaken on the lake for many years.
35. This concern has been raised by Sutton Parish Council which appears to be envisaging the lakes becoming a water sports centre but it is not considered that this would be the case. Similar concerns about the intensification of the use of the lakes by powered boats have also been raised by Torworth Parish Council.
36. The application is simply seeking to regularise an existing use, something which the sailing club could probably achieve through an application for a certificate of lawful use. No noticeable pollution on the surface of the water has been noticed and it is considered that the continued limited use of the lake by powered boats for the reasons stated would not lead to an increase in pollution levels.

### Impact on anglers

37. Regarding the impact on anglers, the sailing club again reiterates that the impact of any planning permission would be no greater than at present. They highlight that the sailing season is for only eight months a year whereas the anglers can fish the lake all year round, day and night and also have use of another lake close to the car park. The sailing club also forgoes use of part of the lake, except on the first and last days of the season, so the anglers know they have an area where they can fish undisturbed on sailing days. Should anglers wish to use the part of the lake used by powered boats, it should be on the understanding that they will have to share the water. In response to concerns raised regarding the application, the sailing club are proposing to limit the area where the 'on-water experience' can take place to only part of the lake to provide alternative areas where anglers can fish (see Plan 2).
38. The assessment of the application has highlighted apparent issues between anglers and the sailing club and it is considered that the sailing club's offer not to use powered boats for the purpose of 'on-water experience' trips on certain parts of the lake is a significant concession. It is also worth highlighting again that these trips only take place on a Wednesday.
39. The area the sailing club is proposing to restrict this use to is detailed on Plan 2 and totals approximately 5.3 hectares of the lake. The area of the entire water body of the lake, excluding the three islands within it, totals approximately 8.7 hectares which means that almost 40% of the lake would not be accessible for powered boats for this purpose. In terms of the shoreline around the lake, which totals almost 1,600 metres in length, the restrictions being proposed by the sailing club would leave around 660 metres of shoreline undisturbed and available to anglers who wish to fish on a Wednesday without disturbance.



40. This restriction of use that the sailing club is proposing for itself would not preclude anglers from using that part of the lake where powered boats would be on the water but, as the sailing club highlights, any anglers doing this would be doing so in the knowledge that other areas of the lake, and another lake for that matter, are available for angling without the disturbance from the powered boats. To this end, it is considered appropriate to attach a condition to the granting of any planning permission requiring the sailing club to post a copy of Plan 2 on the notice board close to the lake to confirm what areas of the lake are most suited to anglers when there are other activities taking place on the lake. It is also considered appropriate to attach a further condition requiring the sailing club to have a schedule of events posted on the same noticeboard which could be periodically updated. These measures should help to avoid future conflict between the two groups.
41. Once again, it is worth reiterating that there would of course be other days of the week where there would be no powered boats or sailing on the lake at all and the sailing club has highlighted that they only use the lake for 58 days in the year, with 35 of these being on Sundays when the sailing club normally meets, whereas the anglers have access all through the year.

#### Impact on wildlife

42. Regarding concerns about the impact on wildlife, the sailing club agrees that the number of coots on the lake has decreased but considers that the number of these birds on the other lakes in the vicinity where boats are not allowed has also similarly decreased. The sailing club considers that the general level of wildlife has otherwise remained constant, despite the use of powered boats on the lake, and also highlights the fact that they can only use one of the lakes in the area. In addition to other lakes at Daneshill, there are also wildlife lakes elsewhere in the Idle Valley. The sailing club does not envisage any additional impacts on wildlife as no additional use of powered boats, over and above what has been used over a number of years, is being sought. The sailing club has confirmed that it no longer uses the lake for powerboat certification courses, despite the fact that this activity brought in valuable income to the club, as it was decided that the lake is no longer suitable for this type of activity as it involves high speed planing boats.
43. The impacts on wildlife are a key consideration in the application given the site's designation as a local wildlife site. Policy DM9: Green Infrastructure; Biodiversity and Geodiversity; Landscape; Open Space and Sports Facilities of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document requires development proposals to demonstrate that they will not adversely affect or result in the loss of features of recognised importance, including Local Wildlife Sites. Where there is potential for adverse impact on such features, alternative scheme designs that minimise impacts must be presented for consideration before the use of mitigation measures is considered. Where sufficient mitigation measures cannot be delivered, compensation measures must be provided as a last resort.
44. As the Daneshill Lakes area continues to be a designated local wildlife site, it demonstrates that the limited use of small, low powered boats on the lake

need not be incompatible with the maintenance of the wildlife interest there. Powered boats have been used on the lake for many years and their use for 'on-water experiences' has been ongoing since 1988, i.e. over 25 years. Sailing on the lake commenced in the early 1970s, although it is not known when powered boats were used in association with the sailing for safety purposes. It is not uncommon for water-based recreation and nature conservation to go hand-in-hand and Rutland Water, whilst being home to sailing and angling activities, is designated as a Site of Special Scientific Interest, a European Special Protection Area and is internationally recognised as a globally important wetland RAMSAR site.

45. It is considered that any significant adverse impacts that might have resulted from the use of the powered boats would have manifested themselves by now but the fact that the lake continues to attract wildlife would suggest that this is not the case. This is an important matter to note in light of the objection received from Nottinghamshire Wildlife Trust which states that, with respect to the wetland breeding birds on the lake, "*whilst they may have acclimatised to a particular level of disturbance over the years, it does not follow that further disturbance would not be detrimental for those populations of sensitive species*".
46. It is not considered that there will be further disturbance on the lake from powered boats in the future, particularly with conditions in place such as those detailed above restricting the number of powered boats allowed on the lake at any one time and the speed at which they can travel. It is therefore considered that the continued use of these small, low powered boats on the lake would not have an adverse detrimental impact on local wildlife and the lake's designation as a local wildlife site.
47. Regarding NWT's concerns about the enforceability of any conditions regarding the regularity or speed of powered boats on the lake, it can be confirmed that County Council Enforcement Officers regularly visit numerous minerals and waste sites in this part of the county, including Daneshill landfill site close by to the lake. Officers will therefore have ample opportunity to monitor the use of boats on the lake.

#### Speed of powered boats on the lake

48. Regarding the speed that the boats travel on the water, the sailing club has stated that it is important to get to any capsized sailors as soon as possible, particularly when the water is cold. The use of boats at speed at other times is something which the sailing club presently deals with by implementing a four miles per hour speed limit at all other times with members instructed to observe this limit or potentially lose their membership. This has been in response to known 'incidents' whereby they have observed powered boats using the lake at speeds which they consider unacceptable.
49. As previously stated, it is proposed to condition the maximum speed of boats on the lake to four miles per hour, except in an emergency. This should ensure that the use of powered boats on the lake is compatible with other activities and interests.

#### Use of alternative non-powered boats instead

50. Regarding the suggestion that non-powered boats could be used instead, as suggested by NWT amongst others, the sailing club has highlighted that the boats used for taking school children and other groups out on the water are wide, flat-bottomed boats which are virtually unsinkable due to their design and so are far safer than a rowing boat. They also allow carers to accompany any children that need constant supervision whilst the presence of an engine allows the boats to get back to the jetty as quickly as possible in the event of an emergency.
51. The argument put forward by the sailing club is accepted, particularly with respect to children from St Giles Special School in Retford, some of whom require constant supervision. The sailing club is looking to purchase another powered boat which has ramped access for wheelchairs users in order to increase access to the lake for the disabled, although any such boat purchased would be subject to the restrictions proposed in relation to speed and the number of powered boats allowed on the lake at any one time. With these controls in place, it is considered that the use of powered boats on the lake would not cause any unacceptable damage to the lake or its wildlife.

#### The role of the sailing club

52. Finally, the sailing club has highlighted the community work they do with the club being the only one in the north of the county which provides open access to schools and groups without charge. All members of the sailing club, which last year numbered 449 adults and 224 juniors, are volunteers who give up their time and pay for their own training to gain qualifications which benefit the local community. In order to alleviate any future concerns, the sailing club is exploring the opportunities to carry out off-site practice sessions for safety boat operators as these involve some high-speed manoeuvring essential to gain a high level of competency.
53. It is considered that the impacts of the sailing club, and the powered boats in particular, are not significant and the benefits that the sailing club brings to the local community should be weighed against this. Given this, it is considered that planning permission for the use of powered boats for an 'on-water experience' should be granted subject to the conditions set out in Appendix 1 of this report.

#### **Other Options Considered**

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

#### **Statutory and Policy Implications**

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

#### Implications for Service Users and Financial Implications

56. The site is owned by the County Council and managed on its behalf by NWT under a Service Level Agreement. The sailing and fishing clubs provide an income stream for the County Council.

#### Equalities Implications

57. The use of powered boats on the lakes provides a valuable resource for children with special needs at a local school.

#### Human Rights Implications

58. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

#### Safeguarding of children

59. The use of powered boats to take children onto the lake for an 'on-water experience' is considered the most appropriate and safest way to carry out this activity.

#### Implications for Sustainability and the Environment

60. These are considered in the Observations Section above.
61. There are no crime and disorder or human resource implications.

### **Statement of Positive and Proactive Engagement**

62. In determining this application the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals.

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

## **RECOMMENDATIONS**

63. 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.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

‘Planning and Licensing Committee is the appropriate body to consider the content of this report.’

[SLB 08/09/14]

## **Comments of the Service Director - Finance**

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

[SEM 05/09/14]

## **Background Papers Available for Inspection**

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

## **Electoral Division and Member Affected**

Misterton

Councillor Liz Yates

Report Author/Case Officer

Jonathan Smith

0115 9696502

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





## RECOMMENDED PLANNING CONDITIONS

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

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

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

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

3. The use of powered boats on the lake hereby permitted shall only be carried out in accordance with the following details:

- (a) Planning application forms and supporting statement received by the CPA on 16 June 2014;
- (b) Plan entitled 'Daneshill Nature Reserve – Proposed Motor Boat Area' received by the CPA on 25 August 2014.

*Reason: For the avoidance of doubt and to enable the CPA to monitor compliance with the conditions of the planning permission.*

4. The use of powered boats on the lake shall only be carried out in accordance with the following conditions:

- (a) Powered boats shall only be used in association with activities organised and managed by Daneshill Sailing Club, namely as emergency rescue/safety vessels during sailing activities and to provide an 'on-water experience' for local schools and other appropriate groups;
- (b) Except when required in an emergency, powered boats shall be limited to a maximum speed of four miles per hour;
- (c) No more than two powered boats shall operate on the lake at any one time;
- (d) The use of powered boats to provide an 'on-water experience' shall be restricted to the area delineated as 'Proposed Motor Boat Area' on the plan entitled 'Daneshill Nature Reserve – Proposed Motor Boat Area' received by the CPA on 25 August 2014;
- (e) The high revving of the engines of the powered boats shall be for maintenance purposes only and shall be restricted to the area delineated as 'Proposed Motor Boat Manoeuvring Area' on the plan entitled

'Daneshill Nature Reserve – Proposed Motor Boat Area' received by the CPA on 25 August 2014.

*Reason: In the interests of other lake users and to prevent damage to a Local Wildlife Site in accordance with Policy DM9: Green Infrastructure; Biodiversity and Geodiversity; Landscape; Open Space and Sports Facilities of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document.*

5. From the commencement of this development, as notified under Condition 2 above, a copy of the plan entitled 'Daneshill Nature Reserve – Proposed Motor Boat Area' received by the CPA on 25 August 2014 shall be displayed on the notice board adjacent to the lake at all times and shall be suitably maintained and, where appropriate, replaced to ensure that all users of the lake are aware of the restrictions in place with respect to providing an 'on-water experience' on the lake.

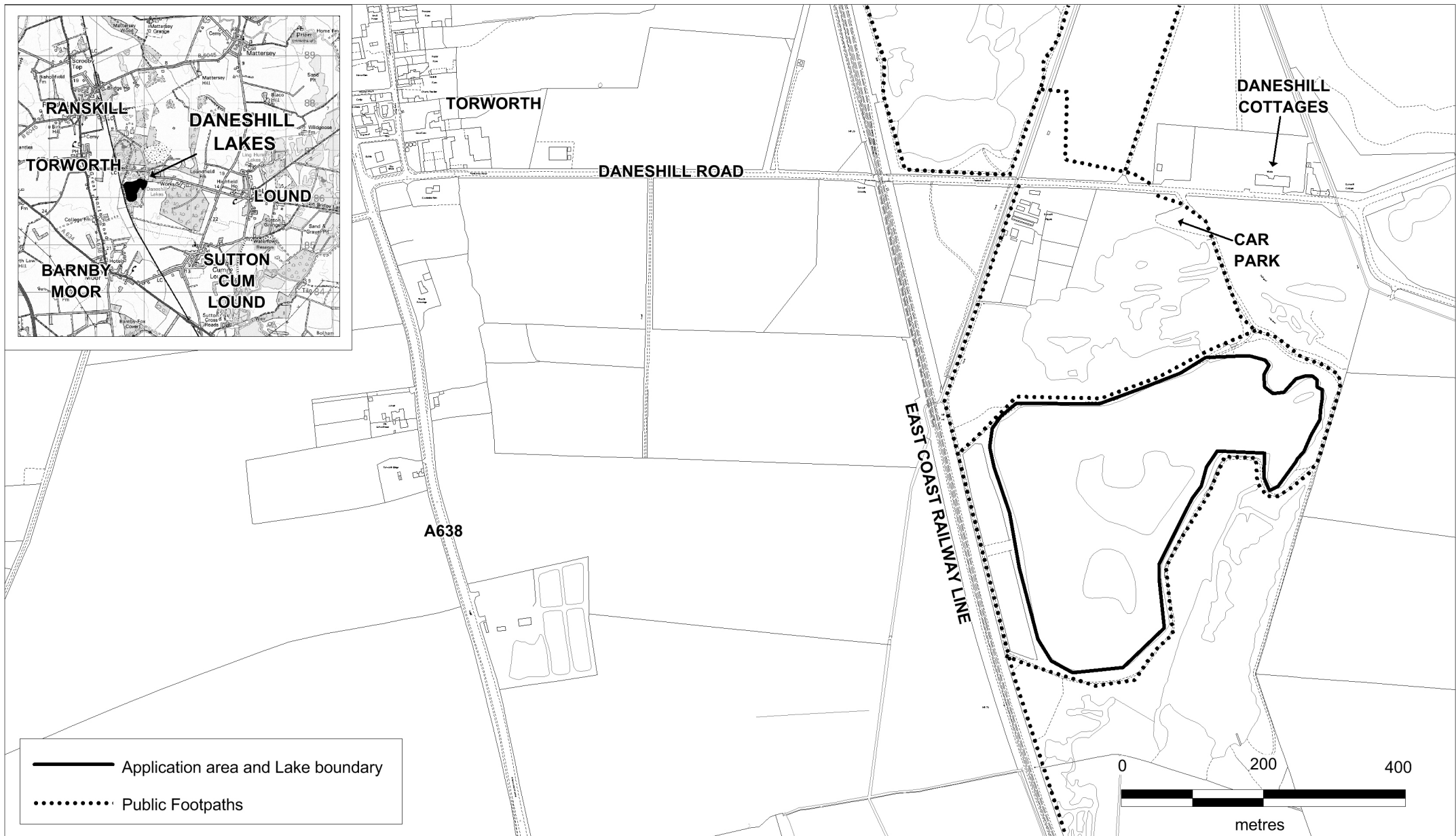
*Reason: In the interests of the amenity of all lake users.*

6. From the commencement of this development, as notified under Condition 2 above, a schedule of events organised and managed by the sailing club shall be displayed on the notice board adjacent to the lake at all times. The schedule of events shall be appropriately updated, suitably maintained and, where appropriate, replaced to ensure that all users of the lakes are aware of the sailing club's timetable of events.

*Reason: In the interests of the amenity of all lake users.*

### **Notes to applicant**

1. The sailing club is encouraged to set up a liaison group with the angling club and Nottinghamshire Wildlife Trust to improve the overall management of Daneshill Lakes for the benefit of all its users and visitors.



**Nottinghamshire  
County Council**

Variation of condition 2 of planning permission 1/47/06/00027 to permit the use of motor powered boats for the purpose of providing an 'on-water experience' for schools and other appropriate groups.  
 Daneshill Lakes, Torworth, Nottinghamshire.

Planning Application No. 1/14/00823/CDM

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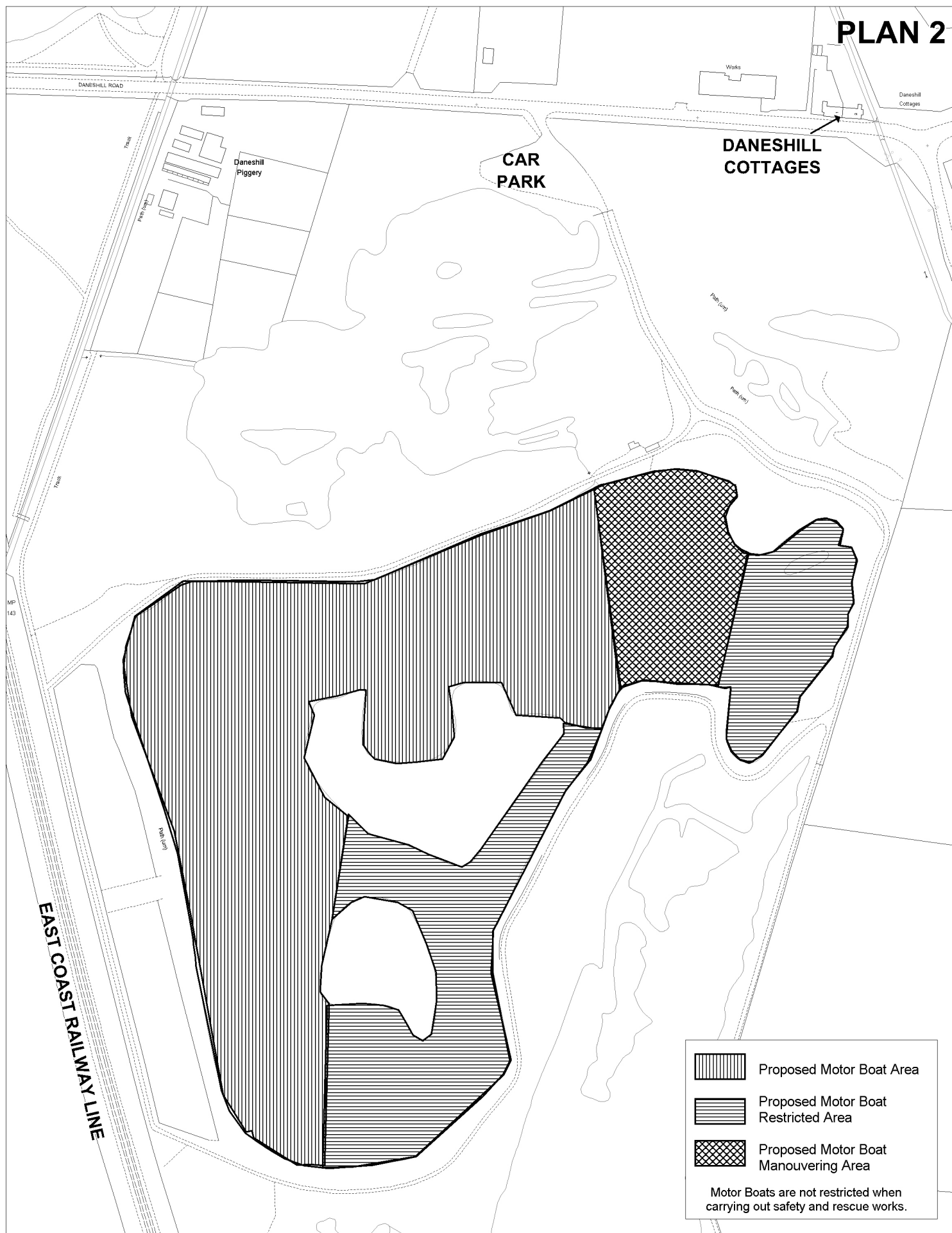
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Produced by: JW

Date: SEPT 2014

**PLAN 1**





**Nottinghamshire  
County Council**

Variation of condition 2 of planning permission 1/47/06/00027 to permit the use of motor powered boats for the purpose of providing an 'on-water experience' for schools and other appropriate groups.  
Daneshill Lakes, Torworth, Nottinghamshire.  
Planning Application No. 1/14/00823/CDM

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Produced by: JW  
Date: SEPT 2014







**30<sup>th</sup> September 2014**

**Agenda Item:9**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**REQUEST FOR LOCAL ACTION GROUP TO MAKE A SPECIAL PRESENTATION IN  
CONNECTION WITH PROPOSALS FOR THE BILSTHORPE ENERGY CENTRE, LAND AT  
BILSTHORPE BUSINESS PARK, OFF EAKRING ROAD, BILSTHORPE**

**Purpose of Report**

1. To seek approval, in line with the Code of Best Practice, to allow a local action group to make a special presentation at a future meeting when Committee considers a planning application for the Bilsthorpe Energy Centre.

**Background**

2. Officers are presently assessing a planning application submitted by Peel Environmental for the development of Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure. The site relates to 4.35ha of land at the Bilsthorpe Business Park, off Eakring Road, Bilsthorpe. Members will recall attending a site visit earlier in the year.
3. The application has given rise to considerable public interest including representations received from a local action group, Residents Against Gasification Experiment (RAGE). It is anticipated that the application be considered at the Committee meeting of 21st October 2014 as a single item agenda given the nature and complexities of the proposals and the significant level of interest generated.
4. Representatives from RAGE have also expressed to Officers a desire to utilise the special arrangements for public speaking, whereby appropriate local action groups can take advantage of an extended public speaking slot of ten minutes as allowed for by the Code of Best Practice. One or more representatives of such groups are then able to address Committee and, should they wish, make use of visual aids such as a PowerPoint presentation. A reciprocal period of time would be afforded to the applicant. Normal public speaking arrangements would still apply for other parties.

5. Officers can confirm that RAGE have submitted written representations in relation to the proposed development and meet the requirements to make such a presentation subject to Committee approval. This report therefore seeks to secure that formal approval.

### **Other Options Considered**

6. No other options have been considered.

### **Statutory and Policy Implications**

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

### **RECOMMENDATIONS**

8. It is RECOMMENDED that Committee agree to allow Residents Against Gasification Experiment (RAGE) to make a special presentation at the future meeting when the application for the Bilsthorpe Energy Centre is to be considered with reciprocal rights given to Peel Environmental as applicant.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

### **Constitutional Comments**

‘Planning and Licensing Committee is the appropriate body to consider the content of this report.’

[SLB 08/09/14]

### **Comments of the Service Director - Finance**

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

[SEM 08/09/14]

### **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**

|                      |                          |
|----------------------|--------------------------|
| Rufford Division     | Councillor Peck          |
| Farnsfield & Lowdham | Councillor Roger Jackson |
| Southwell & Caunton  | Councillor Laughton      |

Report Author / Case Officer

Jerry Smith

0115 9696509

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

15 Sep 2014



**30 September 2014****Agenda Item:10****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND  
CORPORATE SERVICES****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of this Report**

1. To report on planning applications received in the Department between 01 July and 12 September 2014, confirm the decisions made on planning applications since the last report to Members on 15 July 2014 and to seek Members' approval for the attendance of Chairman at a 'Politicians in Planning Association' event.

**Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out any relevant updates.
3. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
4. Members' approval is sought for the attendance of Councillor John Wilkinson and Councillor Jim Creamer at a 'Politicians in Planning Association' (PIPA) event on 18 October 2014 in their roles as Chairmen of Planning and Licensing Committee and Environment and Sustainability Committee respectively. This is a free event focussing on Planning and the Public Interest and will be held at the University of Leicester. It is anticipated that a brief report will thereafter be presented to the respective committees to provide feedback on key points.

**Statutory and Policy Implications**

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

## **RECOMMENDATIONS**

6. It is RECOMMENDED that the report and accompanying appendix be noted and that approval is given for Chairman of Planning and Licensing Committee to attend the "Politicians in Planning Association" event on 18 October 2014.

**JAYNE FRANCIS-WARD**

**Corporate Director for Policy, Planning and Corporate Services**

### **Constitutional Comments**

Planning & Licensing Committee is the appropriate body to consider the content of the report. It is responsible for approving Councillor attendance at conferences and seminars that are within the remit of the Committee, including any expenditure incurred. (SLB 16/09/2014)

### **Comments of the Service Director - Finance**

The contents of this report are duly noted – there are no direct financial implications. [SM – 16/09/2014]

### **Background Papers Available for Inspection**

None

### **Electoral Division(s) and Member(s) Affected**

All

**For any enquiries about this report please contact:**

Report Author / Case Officer  
Ruth Kinsey  
0115 9696513



**Planning Applications Received and Determined**  
**From 1<sup>st</sup> July to 12<sup>th</sup> September 2014**

| Division         | Member            | Received   | Determined  |
|------------------|-------------------|--|---|
| <b>BASSETLAW</b> |                   |  |   |
| Tuxford          | Cllr John Ogle    |  | To replace the 2 existing oil fired boilers and external oil storage tank, with a wood fired boiler in a Pre-fabricated Energy Centre with an external GRP Pellet Silo. Wood Pellet Boiler Froling TX150 (150kW) boiler. East Markham Primary School, Askham Road, East Markham. Withdrawn 07/07/2014 |
| Tuxford          | Cllr John Ogle    | To vary conditions 1,24, 25 and 26 of planning permission 1/12/01515/CDM to allow an extension of time for the completion of oilfield operations until 31st December 2030. Wellsites 1,2,4,5,8,9,11,12,14 and 21, Bothamsall Oilfield, Bothamsall. Received 16/07/2014 |   |
| Blyth & Harworth | Cllr Sheila Place | Variation of condition 13 of planning permission 1/42/05/00008 extension of timescales, Scrooby Top Quarry, Scrooby Top. Received 18/07/2014   | Granted 12/09/2014  |
| Blyth & Harworth | Cllr Sheila Place | Variation of condition 7 of planning permission 1/42/05/00003 extension of permitted timescales. Building a plant maintenance, garaging and to house plant. Scrooby Top Quarry, Scrooby Top. Received 18/07/2014   | Granted 12/09/2014  |

| Division                     | Member            | Received   | Determined  |
|------------------------------|-------------------|--|---|
| Tuxford                      | Cllr John Ogle    |  | Erect a 2 metre high close boarded perimeter fence to replace the existing four bar post and rail fence, Markham Moor Salting Depot, Markham Road, Tuxford. Granted 29/07/2014  |
| Worksop North East & Carlton | Cllr Alan Rhodes  |  | Variation of conditions 2, 3 and 5 of planning permission 1/59/11/00069/V to extend the timescale for sand extraction and landfill. Carlton Forest Quarry, Blyth Road, Worksop. Granted 31/07/2014                            |
| Tuxford                      | Cllr John Ogle    |  | Minor Material Amendment to the Permission 1/08/11/00004 for Changes Relating to Conditions 11, 12, 13, 14, 31, 37, 44, 54, 56, and 57 at Bole Ings Ash Disposal Site, West Burton Power Station, Retford. Granted 01/08/2014 |
| Misterton                    | Cllr Liz Yates    | Variation of conditions 6 and 7 of planning permission 1/32/02/00017 for an extension of time to allow the remaining sand and gravel reserves to be extracted. Finningley Quarry, Croft Road, Finningley. Received 06/08/2014  |   |
| Blyth & Harworth             | Cllr Sheila Place | Erection of a three storey replacement school, replacement external sports provision including relocated tennis courts, car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing. Serlby Park Academy, Whitehouse Road, Bircotes. Received 19/08/2014 |   |

| <b>Division</b>  | <b>Member</b>                                 | <b>Received</b> | <b>Determined</b>   |
|------------------|---|-----------------|---|
| Tuxford          | Cllr John Ogle                                |                 | Creation of an additional long term soils storage stockpile area to store soil transported from Bole Ings Ash Disposal Site within the West Burton Power Station, Near Retford. Granted 22/08/2014  |
| Retford East     | Cllr Pam Skelding                             |                 | Change in land use to a sewage pumping station and the provision of associated above ground structures. Land adjacent to Welham Grove, Retford. Granted 22/08/2014  |
| Tuxford          | Cllr John Ogle                                |                 | To Vary Condition 2 and 25 of Planning Permission 1/38/11/00002, Rampton Quarry, Torksey Ferry Lane, Ramptone extension for the restoration of the site. Granted 04/09/2014   |
| <b>MANSFIELD</b> |   |                 |   |
| Mansfield North  | Cllr Joyce Bosnjak<br>Cllr Parry Tsimibiridis |                 | Staff room extension, Leas Park Junior School, Ley Lane, Mansfield Woodhouse. Granted 09/07/2014  |
| Mansfield East   | Cllr Alan Bell<br>Cllr Colleen Harwood        |                 | Erection of foundation and reception classroom KS1/foundation canopy, ramps to new foundation/reception, erection of 1.5m high security fencing. Forest Town Primary and Nursery School, Clipstone Road West, Forest Town. Granted 10/07/2014 |

| <b>Division</b>   | <b>Member</b>                                 | <b>Received</b>   | <b>Determined</b>   |
|-------------------|---|---|---|
| Mansfield North   | Cllr Joyce Bosnjak<br>Cllr Parry Tsimibiridis |   | Continuation of restoration of former limestone quarry by landfilling with inert waste) Amendments to the final restoration scheme (so as to increase the overall volume and duration of the landfilling and ii) Retain the mobile plant storage facility until no longer required for the operation and restoration of the site. Cast Quarry, Vale Road, Mansfield Woodhouse. Withdrawn 21/07/2014 |
| Mansfield West    | Cllr Darren Langton<br>Cllr Diana Meale       |   | Replacement of existing oil fired boiler and oil storage tank with new wood pellet boiler, a GRP silo, buffer vessel, and chimney. Intake Farm Primary School & Nursery, Armstrong Road, Mansfield. Granted 28/07/2014  |
| Mansfield West    | Cllr Darren Langton<br>Cllr Diana Meale       |   | Proposed construction of a new boiler house of traditional brick and block. Hetts Lane Infant and Nursery School, Hetts Lane, Warsop. Granted 28/07/2014  |
| Mansfield West    | Cllr Darren Langton<br>Cllr Diana Meale       | Retention of existing temporary classroom, Farmilo Primary School, Woburn Road, Pleasley. Received 05/08/2014 |   |
| Warsop<br>Tuxford | Cllr John Allin<br>Cllr John Ogle             |   | Change of use of land to accommodate new Soil Management Area, Welbeck Colliery, Elkesley Road, Meden Vale, Mansfield. Granted 21/08/2014   |
|                   |   |   |   |

| Division                     | Member  | Received   | Determined   |
|------------------------------|---|--|--|
| Mansfield North              | Cllr Joyce Bosnjak<br>Cllr Parry Tsimibiridis | Re-submission of -Continuation of restoration of former limestone quarry by landfilling with inert waste and i) amendments to the final restoration scheme so as to increase the overall volume and duration of the landfilling and ii) retain the mobile plant storage facility until no longer required for the operation and restoration of the site. Vale Road Quarry, Vale Road, Mansfield Woodhouse. Received 22/08/2014 |  |
| <b>NEWARK &amp; SHERWOOD</b> |   |  |  |
| Collingham                   | Cllr Maureen Dobson                           |  | Replacement of existing oil fired boiler plant with a new wood pellet boiler. Queen Eleanor Primary School, Station Road, Harby. Granted 01/07/2014  |
| Farndon & Muskham            | Cllr Mrs Sue Saddington                       |  | Vary the requirements of Condition 4 of Planning Permission 3/13/00046/CMA to extend the timetable for the completing the restoration and aftercare planting of Staple Quarry (Gypsum) landfill and Ayers Rock until March 2016. Staple Quarry, Grange Lane, Balderton. Granted 23/07/2014 |
| Newark West                  | Cllr Tony Roberts                             |  | Installation of artificial grass surfacing, Mount C of E Primary School, Kings Road, Newark. Granted 25/07/2014  |
| Rufford                      | Cllr John Peck                                | Retain existing temporary classroom, King Edwin Primary School, Fourth Avenue, Edwinstowe. Received 12/08/2014   |  |

| Division                 | Member  | Received  | Determined  |
|--------------------------|---|---|---|
| Ollerton                 | Cllr Stella Smedley   | Erection of new outdoor classroom in existing school playground to support forest school activities, Maun Infant and Nursery School, Walesby Lane, Ollerton. Received 19/06/2014  | Granted 15/08/2014  |
| Farnsfield & Lowdham     | Cllr Roger Jackson  | Planning application for additional materials to complete restoration, incorporating a S73 application to vary the existing restoration scheme that included retaining site infrastructure. Bilsthorpe Landfill, Brailswood Road, Bilsthorpe. Received 22/08/2014 |   |
| Farnsfield & Lowdham     | Cllr Roger Jackson  | Variation of conditions 16 and 19 of planning permission 3/11/00035/CMA, Whip Ridding Farm, Eakring Road, Kirklington. Received 08/09/2014  |   |
| <b>ASHFIELD</b>          |   |   |   |
| Kirkby in Ashfield South | Cllr Rachel Madden  |   | Erection of KS1 modular classroom extension, flat roof store/cloakroom extension to facilitate enlarged KS2 classroom and associated drainage and landscape works. Kirkby Woodhouse Primary School, Main Road, Kirkby-in-Ashfield. Granted 01/07/2014 |
| Hucknall                 | Cllr Alice Grice<br>Cllr John Wilkinson<br>Cllr John Wilmot | Replacement site office and welfare cabin. Hucknall Household Waste Recycling Facility, Wigwam Lane, Hucknall. Received 08/07/2014  | Granted 04/09/2014  |
| Selston                  | Cllr Gail Turner  | Retention of existing steel storage unit for a further period, Westwood Infant and Nursery School, Palmerston Street, Westwood. Received 24/07/2014   |   |



| <b>Division</b>         | <b>Member</b>   | <b>Received</b>   | <b>Determined</b>   |
|-------------------------|---|---|---|
| Sutton in Ashfield East | Cllr Steve Carroll  | Erection of a sprinkler tank and pump housing with a 4.0m high hit and miss timber fence enclosure, and the re-provision of 4 disabled car parking spaces. Fountaindale School, Nottingham Road, Mansfield. Received 26/08/2014 |   |
| Hucknall                | Cllr Alice Grice<br>Cllr John Wilkinson<br>Cllr John Wilmot | Proposed storage unit for the suppression of noise and dust. Central Waste, 15B Wigwam Lane, Hucknall. Received 05/09/2014  |   |
| <b>BROXTOWE</b>         |   |   |   |
| Chilwell & Toton        | Cllr Dr John Doddy<br>Cllr Richard Jackson                  | Construction of a GRP kiosk to house a pumping station draw off point. Cator Lane, Chilwell. Received 01/08/2014  |   |
| Bramcote & Stapleford   | Cllr Stan Heptinstall<br>Cllr Jacky Williams                | Retention of existing temporary classroom, William Lilley Infant School, Halls Road, Stapleford. Received 01/08/2014  |   |
| Chilwell & Toton        | Cllr Dr John Doddy<br>Cllr Richard Jackson                  |   | Development of a small single storey extension to the rear of the main school hall, Meadow Lane Infant School, Meadow Lane, Beeston. Granted 08/08/2014 |

| Division       | Member                                   | Received  | Determined   |
|----------------|--|---|--|
| Eastwood       | Cllr Keith Longdon                       | The construction of a 15 metre long by 2.4 metre high chain link fence extension to act as a ball stop fence, a 12 metre long by two metre high blue rebound ball fence parallel to the existing timber fence, and the installation of four new external floodlights to the tarmac activity area. Eastwood Young People's Centre, Kelham Way, Eastwood. Received 19/08/2014 |  |
| <b>GEDLING</b> |  |   |  |
| Carlton East   | Cllr Nicki Brooks<br>Cllr John Clarke    |   | Planning application to regularise the use of a bay for the storage of baled dry mixed recyclate and/or wood waste and to substitute the approved site layout plan for an amended layout plan to regularise minor layout changes. Biffa Waste Services Limited, Private Road 2, Colwick Industrial Estate, Colwick. Granted 16/07/2014   |
| Arnold North   | Cllr Pauline Allan<br>Cllr Michael Payne |   | Erection of split level (in part 2 storey) foundation, studio hall and food science extension, canopy and associated external works, ramped accesses and 11 space car park (including 2 disability parking spaces). New pedestrian access. 2.4m security fencing and gates. Richard Bonington Primary and Nursery School, Calverton Road, Arnold. Granted 17/07/2014 (Committee) |

| Division                          | Member                                | Received   | Determined         |
|-----------------------------------|---------------------------------------|--|--------------------|
| Carlton East                      | Cllr Nicki Brooks<br>Cllr John Clarke | The siting of a temporary building for the provision of an eight place nursery provision for vulnerable two year olds. Netherfield Primary School, Chandos Street, Netherfield. Received 24/07/2014  |                    |
| Carlton East                      | Cllr Nicki Brooks<br>Cllr John Clarke | Construction and operation of an Anerobic Digestion Plant, Land at Gedling Colliery, Off Arnold Lane, Gedling. Received 14/08/2014   |                    |
| Newstead                          | Cllr Chris Barnfather                 | Variation of conditions and consolidation of planning permissions 7/99/0553; 7/2007/0557; 7/97/0249 and consolidation 7/97/1338 to extend time to work remaining consented mineral reserves until 31 December 2023 and completion of site by 31 December 2025. Bestwood II Quarry, Mansfield Road, Papplewick. Received 08/09/2014 |                    |
| <b>RUSHCLIFFE</b>                 |                                       |  |                    |
| West Bridgford<br>Central & South | Cllr Steve Calvert<br>Cllr Liz Plant  | To retain existing temporary classroom, Abbey Road Primary School, Abbey Road, West Bridgford. Received 01/07/2014   | Granted 21/08/2014 |
| West Bridgford<br>Central & South | Cllr Steve Calvert<br>Cllr Liz Plant  | Construct single storey hall store in existing courtyard, Abbey Road Primary School, Abbey Road, West Bridgford. Received 03/07/2014   | Granted 22/08/2014 |

| <b>Division</b>                   | <b>Member</b>                        | <b>Received</b>  | <b>Determined</b>   |
|-----------------------------------|--------------------------------------|--|---|
| Bingham                           | Cllr Martin Suthers                  | Widening of an external access ramp to the rear elevation and forming of a new external opening, Robert Miles Infant School, School Lane, Bingham. Received 03/07/2014   |   |
|                                   |                                      |  | Proposed extension to the end of life vehicle depollution and dismantling operations to allow the dismantling, depollution and storage of end of life vehicles. The development includes three new buildings, comprised of a cabin, an office and a depollution shed. Langar North Trading Estate, Harby Road, Langar. Granted 16/07/2014 (Committee) |
| West Bridgford<br>Central & South | Cllr Steve Calvert<br>Cllr Liz Plant | Demolition of existing entrance porch and construction of new entrance foyer. Abbey Road Primary School, Abbey Road, West Bridgford. Received 21/07/2014   | Granted 22/08/2014  |
| Bingham                           | Cllr Martin Suthers                  | Erection of one kiosk and associated installation of new fencing and gates following the lawful demolition of the existing building. And installation of a swing jib under permitted development rights. Cogley Lane, Bingham. Received 24/07/2014 |   |

| Division                          | Member                                  | Received  | Determined  |
|-----------------------------------|---|---|---|
| Ruddington                        | Cllr Reg Adair                          |   | Replacement of the existing solid fuel heating boilers with a wood pellet boiler in a pre-fabricated energy cabin with an external GRP Pellet Silo and free standing chimney. James Peacock Infant & Nursery School, Victoria Avenue, Manor Park, Ruddington. Granted 20/08/2014  |
| West Bridgford<br>Central & South | Cllr Steve Calvert<br>Cllr Liz Plant    |   | Retention of existing temporary double classroom, Edwalton Primary School, Wellin Lane, Edwalton. Granted 21/08/2014  |
| Soar Valley<br><br>Ruddington     | Cllr Andrew Brown<br><br>Cllr Reg Adair |   | Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake. Withdrawn 22/08/2014 |
| Soar Valley<br><br>Ruddington     | Cllr Andrew Brown<br><br>Cllr Reg Adair | Re-submission of the application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake. Received 22/08/2014 |   |

### **Topics of relevance to Planning & Licensing Committee**

1. Members are informed that a planning appeal against the non-determination of a planning application for the construction of a leisure marina, comprising marina basin with 553 leisure moorings and ancillary buildings, parking, landscaping and infrastructure and the incidental excavation and removal of minerals extraction, was held over three days in July 2014. It was conducted by way of a Hearing and the Inspector reconvened the Inquiry for a final day on 1 September. A technical issue, concerning the failure of the appellant to notify a third party landowner, prevented the Inspector from formally closing the Inquiry after the reconvened session and this particular matter was subsequently dealt with by way of written submissions. A report detailing the outcome of the case will be presented to Committee when the Planning Inspector has issued his formal decision, expected later this year.



**30 September 2014****Agenda Item:11****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2014.

**Information and Advice**

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

**Other Options Considered**

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

**Reason/s for Recommendation/s**

5. To keep Members of the Committee informed about future business of the Committee.

**Statutory and Policy Implications**

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

## **RECOMMENDATION**

That the committee's work programme be noted.

**Jayne Francis-Ward**

**Corporate Director- Policy, Planning and Corporate Services**

**For any enquiries about this report please contact: David Forster, Democratic Services Officer**

### **Constitutional Comments (HD)**

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

### **Financial Comments (PS)**

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

### **Background Papers**

Relevant case files for the items included in Appendix A.

### **Electoral Division(s) and Member(s) Affected**

All

## Committee Work Programme

| <u>Date to Committee</u>  | <u>Reference</u> | <u>Location</u>   | <u>Brief Description</u>  |
|---|------------------|---|---|
| 21 Oct 2014<br><br><b>(NB Venue: Talbot Suite Rufford Country Park commencing at 2pm)</b> | 3/13/01767/CMW   | Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe      | Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure                                     |
|   |                  |   |   |
| 18 Nov 2014   | 8/14/01550       | Canalside Industrial Park, Kinoulton Road, Cropwell Bishop  | Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site.  |
| 18 Nov 2014   | 4/V/2014/0287    | Land adjacent Shenton Lodge, Derby Road, Kirkby-in-Ashfield | Use of derelict sandstone cutting for the disposal of inert waste material (including subsequent restoration scheme securing landscape and ecological benefits)   |
| 18 Nov 2014   |                  | Vale Road Quarry, Vale Road, Mansfield Woodhouse            | Continuation of restoration of former limestone quarry by landfilling with inert waste and i) Amendments to the final restoration scheme (so as to increase the overall volume and duration of the landfilling and ii) Retain the mobile plant storage facility until no longer required for the operation and restoration of the site. |
| 18 Nov 2014   | 2/2013/0354/NT   | Cast Quarry, Vale Road, Mansfield Woodhouse                 | Variation of Condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and  |

|             |                |  |   |
|-------------|----------------|--|---|
|             |                |  | screening plant to recycle building materials for a further 5 years   |
| 18 Nov 2014 |                | Finningley Quarry, Croft Road, Finningley, Doncaster   | Planning application for a 56 hectare extension to and re phasing of existing sand and gravel extraction, including use of existing processing plant with restoration to a mixture of agriculture and woodland. |
| 18 Nov 2014 | 3/14/00614/CMA | Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark | Erection of a steel framed building for the use as a materials recycling facility (MRF)   |

**Other Key Applications/Submissions in system but not timetabled to be reported to Planning & Licensing Committee before November 2014:-**

| <b><u>Reference</u></b> | <b><u>Location</u></b>                               | <b><u>Brief Description</u></b>   |
|-------------------------|--|---|
| 4/V/2013/0498           | Leen Mills Primary School, Leen Mills Lane, Hucknall | Retention of existing mobile classroom (building 5)   |
| 4/V/2013/0499           | Leen Mills Primary School, Leen Mills Lane, Hucknall | Retention of existing mobile classroom (building 4)   |
| 1/13/00809/CDM          | Harworth Colliery Spoil Tip, Blyth Road, Harworth    | Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap |
| 5/13/00070/CM           | Shilo Park, Shilo Way, Cossall                       | Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings                            |
|                         | Finningley Quarry, Croft Road, Finningley, Doncaster | Vary Conditions 6 & 7 to allow extension of time for mineral extraction.  |
|                         | East Leake Quarry, Rempstone Road, East Leake        | Extension to existing quarry involving the extraction of sand and gravel with restoration to agriculture and  |

|  |   |  |
|--|---|--|
|  |   | conservation wetland. Retention of existing aggregate processing plant, silt lagoons and access haul road.   |
|  | Land at Gedling Colliery,<br>Off Arnold Lane, Gedling | Construction & operation of an Anaerobic Digestion Plant incorporating associated buildings, plant, equipment & access off Arnold Lane.  |
|  | Serlby Park Academy,<br>Whitehouse Road, Bircotes     | Erection of a three storey replacement school, replacement external sports provision including relocated tennis courts, car parking, cycle parking, lighting and CCTV, alteration to pedestrian access and landscaping with reuse of existing weld mesh security fence and 2.4m high new weld mesh security fencing. |

