

## **Planning and Licensing Committee**

**Tuesday, 17 June 2014 at 10:30**

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

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### **AGENDA**

- |    |  |           |
|----|--|-----------|
| 1  | Minutes of the meeting held on 20 May 2014   | 3 - 6     |
| 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  | Annual Report to Planning and Licensing on Licensing Work Carried Out 13-14  | 7 - 12    |
| 6  | Dukeries House Claylands Avenue Worksop  | 13 - 68   |
| 7  | John Brooks Sawmills Ltd Broughton Grange Fosse Way Widmerpool   | 69 - 106  |
| 8  | Cropwell Bishop Primary School Stockwell Lane Cropwell Bishop  | 107 - 130 |
| 9  | Adoption of charging Regime for Pre-application charging report  | 131 - 140 |
| 10 | Development Management Progress Report   | 141 - 152 |
| 11 | Work Programme   | 153 - 158 |

## **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 20 May 2014 (commencing at 10.30 am)**

**membership**

Persons absent are marked with 'A'

**COUNCILLORS**

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

Richard Butler  
Steve Calvert  
Steve Carroll  
Jim Creamer  
Sybil Fielding

A Rachel Madden  
Andy Sissons  
Keith Walker  
A Yvonne Woodhead

**OFFICERS IN ATTENDANCE**

Nathalie Birkett- Solicitor  
David Forster – Democratic Services Officer  
Jerry Smith – Team Manager, Development Management  
Sally Gill – Group Manager Planning  
Tim Turner – Monitoring and Enforcement Senior Practitioner

**APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN****Resolved 2014/020**

That the appointment of Councillor John Wilkinson as Chairman and Councillor Sue Saddington as Vice-Chairman by the County Council of 15 May 2015 for the ensuing year be noted.

**MEMBERSHIP****Resolved 2014/021**

That the membership of the Committee as listed below be noted:-

Roy Allan  
Andrew Brown  
Steve Calvert  
Jim Creamer

Sybil Fielding  
Rachel Madden  
Sue Saddington  
Andy Sissons

### **CHANGE IN MEMBERSHIP**

The Clerk reported orally that Councillors Steve Carroll and Richard Butler had been appointed to the Committee in place of Councillors Roy Allan and Andrew Brown for this meeting only

### **MINUTES OF LAST MEETING HELD ON 22 APRIL 2014**

The minutes of the meeting held on 22 April 2014 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Rachel Madden and Yvonne Woodhead both due to illness.

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

None

### **DECLARATIONS OF LOBBYING OF MEMBERS**

None

### **UPDATE REPORT ON JOHN BROOKE (SAWMILLS) LIMITED THE SAWMILL FOSSE WAY WIDMERPOOL**

#### **RESOLVED 2014/021**

That the revised schedule of conditions and provisions of the legal agreement agreed at the last meeting on 22 April 2014 be noted.

### **RETAIN EXTENDED AREA OF SITE TO BE USED EXCLUSIVELY FOR THE ADDITIONAL STORAGE OF PAS100 END PRODUCT COMPOST – OXTON GRANGE OLLERTON ROAD OXTON**

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

#### **RESOLVED 2014/022**

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

### **ANNUAL REPORT ON PLANNING MONITORING AND ENFORCEMENT WORK – 1 APRIL 2013 TO 31 MARCH 2014**



**RESOLVED 2014/023**

That the report and appendices be noted

**WORK PROGRAMME**

**RESOLVED 2014/024**

That the Work Programme reported be noted

The meeting closed at 11.40 am.

**CHAIRMAN**



**17 June 2014****Agenda Item:****REPORT OF THE SERVICE DIRECTOR FOR ACCESS AND PUBLIC  
PROTECTION****ANNUAL REPORT TO PLANNING AND LICENSING COMMITTEE OF THE  
LICENSING WORK CARRIED OUT BY TRADING STANDARDS****Purpose of the Report**

1. To update the Committee on the relevant recent licensing work carried out by the Trading Standards Service on behalf of the Committee
2. To agree the levels of charges made for the issue of Performing Animal licenses and Poisons licences for 2014-2015

**Information and Advice**

3. The Service has an involvement in a number of licensing and registration schemes designed to ensure the safety of our communities. In some cases the authority is responsible for issuing licenses and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activities carried out by Trading Standards are covered in more detail below.
4. During the period 2013-2014, the Service received a total of £20,892.23 income from fees. This being £11,112.00 from Explosives, £8,594.00 from Petroleum, £225 from petroleum searches, £859.23 from Poisons, and £102.00 from Performing Animals registration.

**Explosives storage**

5. The Trading Standards Service is responsible for issuing registration certificates or licences for explosives such as fireworks, safety cartridges and airbag detonators for quantities of up to 2000kg of 'net explosive quantity'. The Health & Safety Executive are responsible for quantities above 2000kg.
6. There are two bands, determined by the net explosive quantity of explosives being stored:
  - 5kg to 250kg – explosives Registration certificate
  - 251kg to 2000kg – Explosives Storage Licence

## Explosives Activity for 2013-14

7. The following is a breakdown of the types and numbers of each category that were issued to March 2014

§	Registration Certificates	128
§	Storage Licences	15
§	Safety Cartridge	7

8. In addition to the above there are all year round licences for businesses that wish to supply fireworks all year round, or outside the restricted periods corresponding to Chinese New Year, Diwali, Bonfire Night and New Year. In this category 2 were issued in 2013-2014.
9. To ensure explosives are being stored in a safe manner Trading Standards' carry out firework enforcement during the 3 week period running up to 5th November.
10. Premises are categorised as either High, Medium or Low risk dependant on the level of compliance with the legislative storage requirements, and the level of confidence the officer has in the business management systems. In 2012-2013 all registered/licenced premises were inspected and the risk rating reviewed.
11. In 2013-2014 Trading Standards focussed their enforcement activity on providing support to smaller independent shops as this is generally where most problems are found. 69 premises were visited; these were mainly high risk with a selection of medium risk premises. Of these 45 were compliant at the time of the inspection, 16 were brought into compliance at the time of the visit, 2 being compliant after a revisit. No major problems were found, the most common problems being:
- Storing fireworks next to, or near to, combustible materials (this applied to both the firework 'reserve' stock and the sales area).
  - Fire extinguishers expended (out of date, so may not work if needed in an emergency);
  - Statutory firework sales poster not displayed.
  - Combustible materials stored against ISO containers containing large amounts of fireworks at larger supermarkets.
  - Separation distances not met or maintained at ISO containers containing large amounts of fireworks at larger supermarkets.

## Petroleum licences

12. Trading Standards licence any premises that stores petrol in a tank or bowser for delivery into the fuel tank of a vehicle or other internal combustion engine. The most common premises covered are retail petrol stations that supply fuel to motorists.
13. There are four bandings of licence which are as follows:
- Petroleum under 2500 litres

- Exceeding 2500 litres but not exceeding 50,000 litres
- Exceeding 50,000 litres
- Liquid nitrogen Gas (LNG) (Methane) 2500 – 50,000 litres

#### **Petroleum Activity for 2013 – 2014**

14. The following is a breakdown of the types and numbers of each category issued in 2013-2014

	Licences issued
Petroleum under 2500 litres	12
Petroleum 2500 litres - 50,000 litres	33
Petroleum exceeding 50,000 litres	39
(LNG) (Methane) 2500 – 50,000 litres	1

15. In addition to the above 3 Transfer of licences were issued. These occur where the licence holder changes but everything else on site remains the same. The service also received 73 enquiries from businesses & contractors for trader advice on petroleum storage related issues.
16. As Trading Standards keeps historic records on the storage facilities at new and old sites they also receive requests for searches regarding locations of disused tanks. 26 such requests were dealt with in 2013-2014
17. The general trend remains a reduction in the number of smaller premises selling petrol. There were 2 brand new installations in 2013/14 (Morrisons PFS, Kilton Rd, Worksop & Central Helicopters, Broughton Lodge Farm, A46 Widmerpool) and 22 refurbishments of current petroleum licensed premises. Trading Standard role in refurbishments is to oversee any aspects, such as pump and pipe work replacements, or changing from a pressure system to a suction system that might impact on the safety of petroleum storage.
18. As with explosives inspections Trading Standards have focused enforcement activity on the smaller independent retailers. 24 sites were identified for visits in 2013-2014. Independent sites often don't have the benefits of nationally agreed procedures and are less likely to have benefited from investment in modern technology, such as third party wet stock monitoring to check for fuel leaks on petrol tanks.
19. Tanks at independent sites are also often the older, single skin type, so it is very important that the operator is diligent in their manual dipping of the tanks to check for unusual losses of fuel that might indicate a leak. Trading Standards Officers also check that the site and equipment is properly maintained and that important control systems are in place. This would be demonstrated by documentation such as risk assessments, staff training records and equipment test certificates.

#### **Poisons registrations**

20. Trading Standards issue registrations that allow premises to sell less toxic chemicals such as formic acids and ammonia over 10% concentration. There were 55 of these issued to 31 March 2014.

## Performing animals

21. 6 Performing Animals licences were issued in 2013-2014. These were for birds of prey for falconry demonstration, a variety of mammals, rodents and reptiles for educational school visits and one dog for a stage production of a musical.

## Licence fees.

22. The current fees are set out in the table below

<b>Explosives</b>	<b>£</b>
New registration up to 250kg	105.00
Renewal registration up to 250kg	52.00
New licence up to 2,000kg	178.00
Renewal licence up to 2,000kg	83.00
All year round firework licence	500.00
<b>Petroleum</b>	
Up to 2500 litres	42.00
2500 to 50,000 litres	58.00
Exceeding 50,000 litres	120.00
Transfer of licence	8.00
<b>Poisons</b>	
Initial application to be included on the list	32.67
Re-registration	8.80
<b>Performing animal licence</b>	17.00

23. The fees for petroleum and explosives licensing are set nationally via the Health & Safety (Fees) Regulations 2012 which states that fees for 2014/15 will remain at the same level as 2010.
24. The fees for poison registrations, and performing animal licences are set by Nottinghamshire County Council. We propose that these fees for 2014-2015 should remain at the same level as previous years.

## Statutory and Policy Implications

25. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## RECOMMENDATION/S

26. It is recommended that: the committee notes the contents of this report and agrees the levels of activity undertaken.

27. Maintain the fees for poisons registrations and performing animal licences at the same level as 2013-2014.

**PAUL MCKAY**

**Service Director for Access and Public Protection**

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

**Sarah Ridley**

**Team Manager Trading Standards and Community Safety**

**Legal Comments** (SLB 04/06/2014) Planning and Licensing Committee is the appropriate body to consider the content of this report.

**Financial Comments (awaited)**

**Background Papers and Published Documents.**

'None'

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

- 'All'



17<sup>th</sup> June 2014

Agenda Item:6

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****BASSETLAW DISTRICT REF. NO.: 1/14/00037/CDM**

**PROPOSAL:** DEVELOPMENT AND OPERATION OF A RECYCLATES BULKING AND WASTE TRANSFER STATION WITH ASSOCIATED INFRASTRUCTURE INCLUDING EXTERNAL RECYCLATES BAYS, WEIGHBRIDGES, INTERNAL ROADS, WEIGHBRIDGE CABIN, WELFARE FACILITIES, PARKING AREAS, WASH BAY, SPRINKLER TANK AND ASSOCIATED PUMP HOUSE. SITE ACCESS IMPROVEMENTS, LANDSCAPING AND ANCILLARY INFRASTRUCTURE INCLUDING THE DEMOLITION OF THE EXISTING BUILDING ONSITE.

**LOCATION:** DUKERIES HOUSE, CLAYLANDS AVENUE, WORKSOP

**APPLICANT:** VEOLIA ES (NOTTINGHAMSHIRE) LTD

**Purpose of Report**

1. To consider a planning application for the construction and operation of a Waste Transfer Station (WTS) for the receiving, bulking and onward transportation of municipal waste and commercial and industrial waste sourced from local households and businesses, at the plot known as 'Dukeries House', Claylands Avenue, Worksop. The key issues relate to the suitability of the location for a WTS, the adequacy of the local highway network to accommodate associated HGV movements, impacts on ground contamination and groundwater and amenity impacts on local businesses and residents. The recommendation is to grant planning permission, subject to the conditions set out in Appendix 1.

**The Site and Surroundings**

2. Dukeries/Claylands Industrial Estate is situated on the north-west side of Worksop and is a base for a variety of distribution units, vehicle repairers, trade counters and large and small manufacturers, notably including the Premier Foods site. The estate is served by Claylands Avenue which runs east-west from its junction with Gateford Road to the Shireoaks junction on the A57.

3. The proposed development site is located towards the western end of Claylands Avenue, on its southern side, and near to the roundabout junction with the A57. A vacant workshop/office previously known as 'Dukeries House' is the sole building on site. The site location can be seen on the accompanying plan 1.
4. The general locality is characterised by the industrial estate, the A57 bypass to the west and open fields to the north. The residential areas of Gateford and Worksop lie to the north and east of the estate. The Lincoln-Sheffield Railway line runs southeast-northwest, to the south. To the west of the A57 is a small business park and the settlement of Shireoaks.
5. In terms of its immediate surroundings, directly behind (south) the application site is a substantial, modern but vacant, distribution unit, known as the Arrow site which has a car park and car access to the west of the site. A micro wind turbine is also present in this adjacent car park. Further west, between this car park and the A57 is a small group of residential properties and linked businesses, including a metal fabricator, at Tranker Lane. The neighbouring plot to the east is occupied by a building supplies company, with other businesses beyond. The north side of Claylands Avenue is largely undeveloped and in agricultural use, but there is a large commercial vehicle distributor (Scania) to the north-east and a small wooded area directly opposite the application site.
6. The site itself covers some 0.8 hectares, is rectangular in form and largely of level ground and comprises mainly open amenity grass, which is currently unmanaged, surrounding a small vacant business unit, formerly used as a civil engineering workshop/office. This unit known as 'Dukeries House' was built around the 1980s and is a two-storey brick and metal clad building. There is an existing gateway and access drive from Claylands Avenue and an area of parking. Perimeter fencing comprises steel palisades to the front and chain link fencing along the east and west. An earth bund is formed along the rear (south) boundary with the Arrow distribution unit. A couple of trees are alongside the eastern boundary.

## **Proposed Development**

### *Background context*

7. The proposed development has been put forward by Veolia ES (Nottinghamshire) Ltd and would, if built, form part of a network of County-wide WTSs and other waste management infrastructure which are contracted under the waste Private Finance Initiative (PFI) contract the County Council holds with the applicant. As part of this long-term contract there is the requirement for a WTS serving the Bassetlaw area in order to bulk collected wastes for onward recycling, energy recovery or disposal at more distant locations.
8. Previously, in 2012, the Waste Planning Authority granted the applicant planning permission for a WTS at a site off Shireoaks Road, Worksop, near to the existing Household Waste Recycling Centre (HWRC). However, the

applicant advises that this scheme is no longer deliverable, due to the failure to agree availability of the site with the landowner Nottinghamshire Recycling Ltd (NRL) (NRL has recently entered into administration.) and due to further access complications. The current application site has therefore been identified as an alternative location for this facility.

#### *Summary description of built elements*

9. The application seeks to construct and operate a WTS at the 'Dukeries House' site. The existing building would be demolished and a new steel portal-framed building would be constructed, together with vehicular manoeuvring yard and ancillary plant. An enlarged access is also proposed.
10. The proposed site layout and the proposed elevations can be seen in Plan 2 and Plan 3 appended to the report. In brief the built elements of the proposed development consist of:
  - A main WTS building of some 2,666sqm and measuring 38 metres by 66 metres, with a height to eaves of 11 metres and a maximum ridge height of 13 metres, sited on the eastern side of the plot, with three vehicle access doors facing west into the yard.
  - A vehicle manoeuvring and general service yard, covering the western and northern part of the site, including parking for five HGVs and seven staff cars.
  - Ancillary development including:-
    - Entrance/exit weighbridges and office/kiosk.
    - A sprinkler tank and pump house.
    - A vehicle wash bay.
    - Bunded fuel tanks.
    - External recyclates storage bays and a bay for road sweepings.

The proposed development also includes:

- An enlarged access onto Claylands Avenue.
- Foul and surface water drainage systems.
- Replacement fencing, gates and boundary landscaping.
- External pole and building-mounted lighting.
- The demolition of the existing building.

#### *Proposed operations*

11. The WTS consists of an enclosed facility in which different waste streams can be delivered and tipped, before the waste is bulked up onto larger vehicles for onward transportation to a recycling/reprocessing facility or to an appropriate final disposal site. Typically this would entail local authority refuse collection vehicles and vehicles carrying various skips delivering to the site, and 'bulker'

HGVs then leaving. Incoming vehicles would first be weighed at the proposed weigh bridge/office, before reversing into the WTS building. Waste would be tipped into holding areas, before it is loaded onto larger bulk carriers for onward transfer. The building would have the capacity to store around three days equivalent of collected waste, though it is intended that waste materials would only be stored for a short time, before being exported. Between 14 and 24 bulker vehicles would leave the site on a typical day, these would be directed to the A57.

12. Waste materials would be contained within the WTS building with the exception of some inert recyclable wastes, notably glass, which would be tipped into outside recycling bays at the rear of the yard area. Such outside activities would typically take place between 0900 and 1500 hrs. An outside bay for street sweepings is also planned adjacent to the southern end of the proposed WTS building. Various items of mobile plant would be used on site including a 360° loader and shovel loader, however there would be no processing or sorting equipment.
13. In total the WTS would accept a maximum of 65,000 tonnes of waste per year, comprising of mainly kerbside collected waste from the Bassetlaw area, both in terms of residual and dry recyclables. The recyclables could arrive either mixed or in separated form, comprising typically paper, card, glass, cans, textiles and plastics. Also in the mix would be residual waste collected from local HWRCs, local authority street sweepings and also up to 10,000 tonnes per year of commercial and industrial waste. The applicant also wishes the WTS to potentially accept green waste, either from the HWRCs or from any future kerbside collection arrangements in Bassetlaw, although there are no current plans to accept this material. The indicative split between sources of materials (minus any potential green waste) and subsequent export and the expected levels of vehicle trips is set out in the tables below.

**Table 1: Waste inputs**

	<b>Tonnes per annum</b>	<b>Vehicle loads per day</b>
<b>Kerbside collected residual waste (e.g Bassetlaw green bin)</b>	35,337	20
<b>Kerbside collected dry recyclables (e.g Bassetlaw blue bin)</b>	7,709	4
<b>Residual waste from local Household Waste Recycling Centres</b>	7,094	5
<b>Street sweepings from the local authority</b>	1,950	4
<b>Commercial and industrial waste</b>	10,000	13
<b>Sub-total</b>	<b>62,090</b>	<b>46</b>

**Table 2: Waste outputs**

	<b>Tonnes per annum</b>	<b>Vehicle loads per day</b>
<b>Residual wastes</b> (Green bin+ HWRC residual + C+I waste)	52,431	14-24
<b>Kerbside collected dry recyclables (Bassetlaw blue bin)</b>	7,709	2
<b>Street sweepings</b>	1,950	1
<b>Sub-total</b>	<b>62,090</b>	<b>17-27</b>

14. In total the proposed development would generate up to 73 HGV trips or 146 two-way movements per normal working day. Peak hours would be between 10.00 and 15.00hrs when collection vehicles would be returning from their rounds. At least three full-time positions would be directly created on-site, whilst supporting associated driving positions on bulker vehicles.
15. The application proposes operating hours of between 06.00 to 22.00hrs Monday to Friday and between 07.00hrs to 19.00hrs Saturdays and Sundays. Such hours would provide operator flexibility, however the applicant advises that typical working hours would be between 06.00 to 17.00hrs Monday to Friday and 07.00 to 13.00hrs Saturdays/Sundays.

#### *Detailed description of WTS elements*

##### *- The WTS building*

16. The main building would consist of a steel-framed hall, sited on a concrete floor base, providing 2,666sqm of floor space and would measure some 38 metres on its north and south sides by 66 metres on the west and east sides. Approximately one-third of site would be taken up by the building, which is proposed to be set back from the road frontage. The walls would consist of a lower course of fair faced concrete (circa 3 metres high), above which would be vertical steel cladding finished in 'Moorland Green' up to the eaves height of 11 metres and up to the top ridge heights of 13 metres on the north and south gable ends. A shallow pitched roof would be clad in 'Goosewing Grey' and would have rows of translucent rooflights. Various facias, soffits, guttering and doors would be finished in a contrasting 'Heritage Green'.
17. Access into the building from the external yard would be via three vehicular openings on the west elevation and these would comprise of automatic fast action roller shutter doors operated by sensor. Separate pedestrian doors would be provided adjacent to these main doors.
18. Internally a series of concrete push walls and bays would be created to aid the stockpiling and segregation of waste streams.

- *External elements*

19. Outside, the majority of the site would be completed as a concrete hardstanding and manoeuvring yard. Within the yard would be a pair of weighbridges with a small site office/staff mess facility between them. This building would be a two-storey unit finished in 'Moorland Green' cladding on a brick base and would have external access steps. Vehicles would receive instructions and paperwork processed from this office.
20. To the front of the site an area of HGV parking would allow for overnight HGV parking and also provide additional holding areas during the day. Parking is also provided for 7 staff cars and a motorcycle.
21. Adjacent to the parking area would be sited a bunded area for fuel tanks which would be used to refuel the applicant's HGV fleet and mobile plant.
22. Between the fuel tanks and the building would be a vehicle wash bay with a 3.5m high screen, finished in 'Moorland Green'. Drainage would be provided. A small plant room would also be built.
23. In the southern part of the yard would be an area of external storage bays for certain recyclables such as glass and for street sweepings. These would be formed by pre-cast concrete blocks and would be connected to the on-site drainage system.
24. To the rear (south) of the WTS building would be sited a large water sprinkler tank, 10 metres high, finished in galvanised steel and its associated pump house, which would be a Glass Reinforced Plastic (GRP) kiosk, finished in 'Moorland Green', together providing a fire-retardation system.
25. A system of foul and surface water drainage is proposed on site within the concrete yard area. Foul water would be drained from the external storage bays, via a silt trap and join any runoff from a collection channel at the entrance to the WTS building. Foul water from the vehicle wash bay (with a silt trap) and from the welfare office would also join this network before the combined flow is directed to an existing foul sewer in Claylands Avenue. General surface water drained from within the yard, parking areas and from the roof would be directed through a buried interceptor and into an attenuation tank, before discharge into a street sewer.
26. External lighting is proposed to illuminate all outside working areas. These would be mounted on three 8m high poles at the front of the site and along the northern and western building elevations.
27. The existing access junction onto Claylands Avenue is proposed to be widened to provide adequate turning and visibility.
28. Revised plans have been provided to replace the existing chain link fencing with steel palisade fencing, as per at the front. Adjustments to this fence and the provision of new gates would be made at the front.

## Consultations

29. **Bassetlaw District Council – Objection raised on the following grounds:**

*A lack of available information regarding the Environment Agency permitting regime and what matters this would control.*

*The hours of operation are too lengthy, offering no respite to existing or future residents.*

*The true ecological impact upon the prospective Special Protection Area (pSPA) and other sensitive nature conservation sites is unknown.*

*A minimum number of jobs (three FTE) would be created compared to other potential employment occupiers of the site.*

*The large number of vehicle movements and the impacts upon the local highway network and lack of on-site parking.*

*Insufficient information relating to how vermin would be controlled and how contaminated waste would be dealt with.*

*Negative visual impact on the built environment.*

*The detraction to future employment and residential developments in the immediacy, as proposed in the Bassetlaw Site Allocations Document and the potential loss of existing businesses if dust, odour and noise cannot be adequately controlled*

*Negative impact on residential amenity of both existing and future residents and businesses.*

30. **Bassetlaw District Council (Environmental Health Manager) – No objection**

*The Principal Environmental Health Manager does not wish to make any comments with regards to matters of air quality; extraction/ventilation; lighting; pollution prevention/control; contaminated land; food hygiene or health and safety. The noise report by Noise and Vibration Consultants Ltd has been reviewed and no comments are made at this stage.*

31. **Shireoaks Parish Council – Object**

*The Parish Council wishes to raise a strong objection to the proposed development.*

*The site is considered unsuitable for a WTS and is too close to existing and proposed housing and employment land. The impact of rubbish, vermin and smells emitted would be detrimental to the health of the local community.*

*The traffic which would be generated by both the WTS and other proposed developments would be detrimental and cannot be accommodated. Roads around Shireoaks are noted to be in a poor state of maintenance and*



*increased heavy goods traffic through the village will make these worse. Congestion is experienced in the village when the railway crossing gates are down.*

*A similar facility in the locality has caught fire around six or more times over the last six months, creating a health and environmental hazard. Concern is raised that another facility could suffer similar instances, with impacts on nearby residents. Such fire instances can also lead to road closures, which could necessitate the A57 being closed.*

*The development of a WTS would not be conducive to local efforts to promote tourism and recreation in the area, such as along the Chesterfield Canal.*

**32. Rhodesia Parish Council –Object**

*Concern is raised over the increase in traffic and HGVs in particular, resulting from the proposed development. It is also noted that planning applications for new housing have been submitted to Bassetlaw District Council on sites near to the proposed WTS, which could lead to an increase in local traffic.*

*Local businesses in the area would be affected as they have been near to the existing WTS on Sandy Lane. Recent fires [at the NRL site] have led to local road closures.*

**33. Environment Agency – No objection**

*The planning application and its Site Investigation Report has been reviewed from the perspective of controlled water protection.*

*The site overlies the Edlington Mudstone and Edlington Mudstone and Sandstone which are classified as secondary B and A aquifers respectively. The site is also partially underlain by a principal aquifer associated with the Lenton Sandstone. The site also lies within a Source Protection Zone II.*

*Previous uses of the site included vehicle maintenance and repair. Fuel related contamination has been identified in the shallow ground water beneath the site and further additional site investigation has been identified and which is deemed satisfactory by the Agency. There is therefore no objection, subject to a condition requiring the additional work to be undertaken including a detailed risk assessment and remediation strategy so to protect the underlying secondary and principal aquifer from contamination associated with the site's former uses.*

*The WTS would also require an Environmental Permit in order to operate.*

**34. NCC (Highways) Bassetlaw – No objection**

*The Highways Authority is satisfied that the traffic which would be generated by the proposed development would not be particularly significant to warrant further transport assessments or junction improvements to the A57 as it would generate less than the 30 two-way peak hour vehicle trips DfT threshold.*



*The submitted transport statement suggests that the junctions on the A57 operate within capacity. However the Bassetlaw Transport Study has identified potential congestion on the A57 between Sandy Lane and Claylands Avenue and north of Gateford Road from the year 2026, taking into account the planned local growth. In response junction improvement schemes are proposed including at the A57/Claylands Avenue roundabout.*

*A lorry routeing agreement, along with suitable signage is recommended, so that with the exception of local trips within Worksop, all HGVs would be routed to and from the A57.*

*In order to cater for the size of the lorries accessing the site it is proposed to increase the size of the site access. Due to the high proportion of HGVs and the industrial nature of Claylands Avenue, an enlarged visibility splay of 2.4m x 47m is requested.*

*Question was raised regarding the submitted vehicle swept path tracking exercise which indicated a conflict with opposing traffic for HGVs turning into and out of the site. This exercise has subsequently been re-modelled and the Highways Authority are content with the junction design and improved visibility splay.*

*Conditions are recommended to cover wheel washing facilities, a traffic management plan, and the delivery of the improved access.*

**35. NCC (Noise Engineer) - No objection**

*Satisfied that the applicant has adequately considered the noise impact of the proposed development on nearby receptors, there is therefore no objection subject to the inclusion of suggested conditions.*

*Noise impact has been predicted at three nearby receptors involving baseline noise recording at these locations and in procedural accordance with BS4142:1997- Method for rating industrial noise affecting mixed residential and industrial areas.*

*Potential noises associated with the proposed development include; HGV movements in the yard; HGV door slamming; reversing alarms; and glass tipping. The noise impacts have been assessed as being of less than marginal significance to the receptors. Further clarification has been sought on the predicted noise from the vehicle wash bay, on site mobile plant, the type of building cladding and on operational matters.*

*An assessment of the cumulative impact of WTS operations and HGV movements has been assessed as being neutral to negligible and subjectively barely perceptible.*

*A further assessment of predicted L<sub>Amax</sub> noise levels has also been compared with L<sub>Amax</sub> levels recorded at each receptor. The calculated levels are predicted to remain significantly below those already experienced at the receptor properties and below ambient noise levels generally and therefore are not considered to be significant.*

*An assessment has been made relating to the construction noise impact. Predicted noise levels at receptors would be below existing noise levels and therefore are considered not to be significant.*

*The impact of increased road traffic noise on the local road network is assessed as 'neutral'.*

*With regards to the potential mixed housing/employment development north of Claylands Avenue [currently subject to an outline planning application and separate consultation for a proposed land use allocation], it is considered unlikely that the proposed WTS development would generate any justifiable noise complaints. Noise levels at the nearest properties can be estimated at 40 dBL<sub>Aeq</sub>, 1hr, which compares to the lowest average daytime background (L90) noise level of 53dB LA<sub>90,t</sub>. (as presented in the noise assessment supporting the outline application to Bassetlaw District Council).*

**36. NCC (Reclamation) - No objection**

*The Phase 1 Data Review and Land Contamination Assessment and Phase 2 Intrusive Site Investigation Reports supplied by the applicant provide a comprehensive appraisal of the site's development history, assessing potential contamination impacts, present site conditions and developing a site risk assessment and conceptual site model.*

*The conceptual site model identified a series of potential risks to both site workers, future site users and the wider environment. A Phase 2 Investigation was able to disprove a number of potential contaminant sources and recommend implementation of mitigation measures to deal with those proven. There remain however, identified issues related to Polycyclic Aromatic Hydrocarbons (PAH) and PAH contamination in shallow groundwater beneath the site, believed to be a legacy of prior development.*

*The applicant has proposed further investigation, groundwater monitoring and modelling to specifically address the existing and potential groundwater impact from this proven contaminant source. There is therefore no objection to the proposed development providing conditions are made to secure additional intrusive ground investigations, groundwater monitoring, and revised risk assessments and a remediation/mitigation scheme as recommended by the Environment Agency.*

**37. NCC (Planning Policy) - No objection**

*The proposal is supported in policy terms against national and local policy considerations. This is subject to satisfactory environmental and amenity impacts in line with Policy WCS13 of the Waste Core Strategy (WCS) and the saved policies of the Waste Local Plan (WLP).*

*The applicant's Planning Supporting Statement is considered to be a comprehensive review of the relevant policy context.*

*Sustainable development is the main driver of the National Planning Policy Framework (NPPF), whereby proposals that accord with the development plan should be approved without delay or where policy is absent, silent or out-of-date, permission should be granted subject to the policies in the NPPF and adverse impacts not outweighing the benefits.*

*Planning Policy Statement 10 (PPS10) and the National Waste Management Strategy include the concept of the waste hierarchy. The proposed development would aid in moving waste up this hierarchy.*

*Local waste policy is contained in the WLP and WCS.*

*Policy WCS3 seeks to provide sufficient waste management capacity for the County and aims to achieve a 70% recycling rate by 2025. Although not a recycling operation in itself, the proposed development is considered as an important element in the delivery of a sustainable network of waste management facilities around the County, through facilitating the recycling of both municipal solid and commercial and industrial waste collected in Bassetlaw.*

*An important consideration in terms of WCS policy is establishing the 'size' of the facility. Under the criteria set out in Appendix 2 of the WCS, the proposed WTS would be classed as a 'large facility' judged by its capacity but as a 'medium' facility by its area. As a medium sized facility, Policy WCS4 would lend support to the proposal in the built up area of Worksop, but as a large facility it would not be supported. It is however made clear in the supporting text that the sizes are indicative and should not be treated as absolute. The policies in the plan should also be read as a whole.*

*General site criteria policy is set out in Policy WCS7 which supports WTSs on employment land. It is evident that the site and its surroundings can be classed as employment land.*

*Further support for the proposal is gained in terms of sustainable transport and Policy WCS11. Although the proposal includes no use of alternative modes of transport than by road, part of the purpose of the WTS is to minimise the amount of journeys undertaken in managing waste as a whole. Although not directly reducing distances, the proposal would reduce the net distance travelled through the reduction in overall movements i.e by the bulking of materials. This also minimises emissions with climate change implications.*

*These supporting policies in combination are considered a more important factor than debating the indicative site sizes in Policy WCS4. The suitability of the location in terms of its role in delivering the movement of waste up the hierarchy is of prime importance. The principle of the development is therefore supported.*

*In addition to assessing the principle of the development, the environmental and amenity impacts are equally important and should be assessed against Policy WCS13. The design of the proposed development should also be of a high standard in accordance with Policy WCS15.*

38. **NCC (Nature Conservation) – No objection**

*The application is supported by an up-to-date Ecological Survey which finds that the proposed development site is of low nature conservation value, comprising common and widespread habitats and there is no evidence of protected species (including, no evidence of bats within the existing building). The proposed development would not affect any designated nature conservation sites in the locality.*

*The site lies within the 5km buffer zone around the ‘prospective’ Sherwood Special Protection Area (SPA). However, it would appear that the number of HGV movements which would arise would not give rise to a significant increase in traffic emissions which could potentially impact on such sensitive sites. Specifically the Design Manual for Road and Bridges identifies an ‘affected road’ (where it lies within 200 metres of a European site) as one where, amongst other things, the HGV (HDV) flows will change by 200 AADT (Average Annual Daily Traffic) or more. In this case, the proposals will give rise to up to 146 two-way movements of which 89% will route along the A57 (which runs within 150m of part of the ‘Indicative Core Area’ upon which any future SPA designation is likely to be based).*

*It is recommended that a landscaping plan should be produced to deliver native tree/shrub planting and wildflower grassland, so as to maximise the biodiversity value of the site. Suitable locations for bird boxes are also identified.*

*Conditions are recommended relating to resurveying for bats should any development be delayed and that any vegetation clearance is undertaken outside of the bird breeding season.*

39. **NCC (Landscape) – No objection**

*The site lies within an established industrial park and there is no objection to the proposed development on landscape or visual impact grounds. It is however unclear whether landscaping is proposed along the site frontage to Claylands Avenue. Planting should be included along this boundary to screen the proposed development.*

*The plans appear to show all surface water being directed into the piped system in the road. There is potential to include detention/infiltration basins which would have some biodiversity benefits to offset the loss of grassland.*

40. **Severn Trent Water Limited, Western Power Distribution, National Grid (Gas) and Anglian Water Services Limited** have not responded. Any response received will be orally reported.

## **Publicity**

41. The application has been publicised by means of seven site notices, a press notice in the Worksop Guardian and nine neighbour notification letters sent to the nearest commercial and residential occupiers in accordance with the

County Council's adopted Statement of Community Involvement. The neighbouring Parish Councils at Shireoaks and Rhodesia have also been consulted.

Four representations objecting to the proposed development have been received.

- (a) A Ward Member for Bassetlaw District Council objects to the proposed siting of a WTS on the application site.

The Member notes that the industrial estate is a recognised employment site and the siting of a WTS would not be conducive to future employment development and established businesses on Claylands Avenue would be blighted. Alternative sites should be considered such as former colliery sites- Welbeck or Bevercotes for example.

Concern is raised that increased traffic, which would be generated by the proposed development, would be near to a new housing development planned for the area. Concern is also raised that the current poor air quality would be exacerbated causing problems for local residents.

The member notes that there is already one WTS off Sandy Lane which could, if run correctly, satisfy the needs of Bassetlaw.

- (b) A letter of objection has been received from a Worksop resident. It states that the proposed site is totally wrong for this type of development and that the town is becoming the waste capital of the North.

Concern is raised over the range of waste materials/streams which would be accepted through the proposed facility, which would go beyond dry recyclables to include household and HWRC residual waste, commercial and industrial waste and street sweepings.

More detail regarding the geographic sources of waste is sought and whether it would just originate from Bassetlaw or from further afield. A question is also raised about the composition of commercial and industrial waste and also whether this would include clinical waste.

Consideration should be given to the risk of smells, odour, vermin, dust and increased lorry movements, with a possible impact on the nearby Premier Foods site in terms of food hygiene. Consideration should also be given to local wildlife and habitats such as at the Chesterfield Canal, Tranker Woods and High Ground Woods. Consideration should be given to local residents within 200m of the site.

The proposed development would directly conflict with the District Council's Site Allocations [preferred options consultation] Plan for the area.

- (c) A letter of objection has been received from an agent acting on behalf of a landowner promoting the land to the north of the site as part of the



emerging Bassetlaw District Council Site Allocations Local Plan document.

It states that significant weight should be given to the views of adjoining landowners and to Bassetlaw District Council's emerging Site Allocations Policy Document. Notes that the Site Allocations 'Preferred Options' was published for public consultation during the course of the planning application, setting out the District Council's preferred sites for potential housing and employment growth for the next 14 years.

Attention is drawn to the site MU2 (Mixed Use Site 2- "Gateford Common") under the ownership of the client objector and which is identified for residential and office development. [A planning application has now been submitted.] The District Council wishes to promote the area for high quality and prestigious office development. It is considered that the siting and operation of a WTS is inconsistent with these aspirations for the area and would limit its attractiveness (and that of the future office development) to potential new high tech/office occupiers.

In terms of waste policy, question is raised as to whether the proposed facility should be classed as a 'large' or 'medium' sized facility. The proposed 65,000 tonnes per annum of waste throughput appears to identify that the proposed facility should fall under the 'large' classification, in which case such a facility is not identified for Worksop in the Waste Core Strategy.

The site selection procedure has not been sufficiently robust to justify the proposed location. There is a lack of clarity and reason for dismissing the previously consented site at Nottinghamshire Recycling Ltd (Shireoaks Road) and which is obviously more appropriate for the development.

Concern is raised that, despite controls on waste containment (within and outside the proposed building), that household waste will escape into the surrounding area on the prevailing wind.

The proposed development would generate insignificant employment (three full time positions) and is not remote from residential properties.

Concern is also raised that the application cannot be objectively considered by the Authority due to the 'inherent connection' between the applicant (Veolia) and the County Council, by means of the long term waste contract in place between the two.

- (d) An objection from a resident of Shireoaks has been received which comments that the site is inappropriate for the type of use. Whilst it is on an industrial estate, the type of industry is clean and the planned use may potentially lead to businesses moving away. This would potentially outweigh the three new jobs which would be created by the proposed development.

Given the residential developments planned locally, it is questioned as to who would want to purchase a home in close proximity to a WTS given

the planned hours of operation and the relevant problems associated with these types of facilities and potential impacts on health and wellbeing.

It is questioned who would monitor the facility to ensure it is operating correctly.

It is argued that it would seem that Worksop is programmed to receive the waste despite many other possible locations within the County and anger is expressed that Worksop shouldn't have to take waste the rest doesn't want.

- 42. The Local Member, Councillor Sybil Fielding, has been notified of the application.
- 43. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Background to local waste management and rationale for the development

- 44. This application proposes the construction and operation of a Waste Transfer Station (WTS) to deal with residential and a certain amount of commercial and industrial wastes arising from the Bassetlaw area, so that such waste can be bulked up for transportation to more distant final locations, whether that being for recycling, energy recovery or landfill. The WTS would form part of a network of such sites across the County, which are being developed by the applicant as part of the Waste PFI contract held with the County Council.
- 45. This application for a WTS is made as an alternative development to that previously permitted at a site on Shireoaks Road on part of the Nottinghamshire Recycling Ltd (NRL) landholding. Members will be aware the adjoining waste management facility, until recently operated by NRL has suffered several fires in recent months. Notwithstanding the fact that Veolia ES (Nottinghamshire) Ltd have a valid permission for a WTS on part of NRL's landholding, the applicant explains that agreement could not be reached over the clearing of waste material from the development site and that there is a need to deliver the WTS infrastructure in a timely manner. The shared access arrangements were also deemed to be less than ideal.
- 46. Bassetlaw District Council as the Waste Collection Authority (WCA) currently operates a twin bin system for households, one for mixed recyclable materials (blue bin) and one for any residual waste (usually green bin), collected on an alternating basis each week. The contents of the blue bin are sent to the Mansfield Materials Recovery Facility (MRF) also forming part of the contracted facilities. The District currently recycles or composts 22% of municipal household waste.
- 47. Whilst currently a significant volume of residual waste from Bassetlaw is sent to landfill locally, such as at Daneshill, in the future it is envisaged that, alongside greater portions of recycling and composting, future residual waste will have to be taken further afield from the District for disposal. In particular

the applicant and the County Council as the Waste Disposal Authority envisage transporting waste to an energy from waste facility in Sheffield as part of the Draft Revised Project Plan resulting from the refusal of planning permission for the Rufford Energy Recovery Facility scheme. The establishment of a WTS would therefore aid in transporting this waste to that particular facility, but also to other destinations such as other landfill sites, or reprocessors. The WTS would also deal with the stream of recyclable waste, with materials continuing to be transported in bulk form to the Mansfield MRF.

#### Principle of the development against waste policy

48. The proposed WTS is made in the context of increasingly tighter European, national and local legislative and policy moves to reduce the amount of biodegradable wastes sent to landfill and to increase the levels of waste recycling. A number of developments and changes to waste operations are therefore being delivered locally through the waste contract and in partnership with District, Borough and City Councils.
49. Planning policy at a national level is contained within the National Planning Policy Framework (NPPF) and for waste, within Planning Policy Statement 10 (PPS10) (Planning for Sustainable Waste Management).
50. PPS10 seeks to deliver sustainable waste management through driving waste up the waste hierarchy, whereby waste is disposed of as a last option and is instead treated as a resource, thereby supporting National and European targets and legal obligations. Another key objective is that the recovery or disposal of waste should not harm human health or the environment and to enable the disposal in one of the nearest appropriate facilities.
51. The NPPF seeks to enable a planning system which delivers sustainable development, in terms of an economic, social and environmental function. The 'presumption in favour of sustainable development' directs that development proposals which accord with the development plan should be approved without delay, unless specific policies in the NPPF indicate otherwise. The framework also seeks to support sustainable economic development and the provision of infrastructure to support new business and homes, and support the nation's transition to a low carbon future by reusing resources and previously developed land. Both PPS10 and the NPPF are material considerations to the determination of the application.
52. The relevant Development Plan consists of the newly adopted Nottinghamshire and Nottingham Replacement Waste Local Plan- Part 1: The Waste Core Strategy (WCS) which sets out the locally strategic policies guiding waste development and the saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) covering environmental impacts.
53. The WCS has a 'headline' target for the County that by 2025 70% of all waste (or the equivalent amount produced in the County) will be recycled or composted. This is set out in Policy WCS3 (Future Waste Management Provision). In order to cater for the envisaged waste and to work towards this target, new facilities are needed to be delivered in line with the waste



hierarchy enshrined in legislation and broadly repeated under this policy. Priority is given to new recycling, composting or Anaerobic Digestion facilities, over the development of energy from waste solutions, which are both prioritised over traditional disposal.

54. The proposed WTS does not fall under this policy, as it would act as an intermediate transfer facility, which would feed a mix of final disposal destinations and whilst the facility would not involve a sorting operation, different waste streams would be segregated, thereby enabling recyclable materials to be bulked up for efficient transfer to the Mansfield MRF.
55. Policy WCS4 (Broad locations for waste treatment facilities) seeks to promote a pattern of development of such facilities across the County in terms of their scale and size and with the help of Appendix 2, Table 8 (Indicative size of waste treatment facilities), defines small, medium and large facilities.
56. Under Policy WCS4, smaller and medium sized waste facilities are supported in or close to the built up areas of Nottingham, Mansfield/Ashfield, Newark, Retford and Worksop. However large scale facilities are only supported in or close to the built up areas of Nottingham and/or Mansfield/Ashfield, thereby directing appropriately sized facilities to deal with locally produced waste.
57. The size and form of the proposed WTS has been designed to deal with Bassetlaw's household waste arisings, but also seeks to handle a portion of commercial and industrial (C&I) waste collected from private contracts the applicant has with businesses. The WTS would handle up to 65,000 tonnes per annum (tpa) of waste, of which up to 10,000 tpa could be C&I waste. These levels are considered to be maximum and optimistic.
58. Appendix 2 of the WCS identifies 'large' transfer stations as ones with a capacity of 50,000 tpa or greater or one with an area between 1 and 1.5 hectares. 'Medium' sized transfer stations are classed as those with a capacity between 11,000 and 49,000 tpa or with an area range between 0.51 and 0.9 hectares.
59. Taking these 'indicative' thresholds in Appendix 2, the proposed WTS would at 65,000 tpa fall as a 'large' facility by capacity/throughput, but as a 'medium' sized facility by its area of 0.8 hectares. As a 'large' facility there would be no explicit policy support from WCS4 for such a sized facility in Worksop, however a 'medium' sized facility would be supported.
60. In assessing the application against WCS4, whilst the appendix 2 thresholds are indicative, it is apparent that the proposed WTS can be considered as a 'large' facility by its proposed capacity. The policy does not explicitly restrict such large facilities in Worksop, but it is acknowledged that the spirit of the policy is to direct such facilities to larger and denser populated areas with a concentration of employment land and good transport links.
61. The applicant states that in selecting the Worksop location, alternatives have been looked at in Retford, Harworth, and Steetley, however Worksop was favoured as it is the main source of waste arisings in the Bassetlaw area. A thorough review of employment sites was undertaken with assistance from the

District Council's regeneration team. There is a stated need for further waste management infrastructure in the area in order to support future growth and particularly to deal with waste in a more sustainable manner, by facilitating the bulk transport of materials to final destinations.

62. Representations contending that Worksop is becoming a focus for waste type development in the County are noted, however the application is a substitute development for the WTS approved at the Shireoaks Road site and other possible developments in the town by other operators would be subject to planning assessments on their own merits. The proposed WTS is sized to deal with Bassetlaw's domestic waste arisings (plus an element of C&I waste) and is therefore a local facility dealing with mainly local waste. From a sustainability viewpoint there is merit in siting a facility designed principally to accept waste generated within Bassetlaw within the centre which is the main source of arisings within the district.
63. Whilst limited policy conflict with WCS4 is identified, the individual policies in the WCS should not be read in isolation and the merits of the site location should be assessed.
64. In finding a suitable site for the proposed WTS, the application has been guided and should be assessed against Policy WCS7 (General Site Criteria), which directs different types of waste development to certain land characteristics. WTSs are identified as being suitable for development on employment land, and derelict and other previously developed land. The supporting text states that such facilities will need good road access and are well suited to industrial estates and business parks, especially alongside other storage and distribution uses.
65. Further principal support is gained from local planning policy at the District level as part of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document which identifies the industrial estate as within the Worksop urban area, which is a sub-regional centre and is expected to cater for 45% of the District's future employment land provision.
66. Policy DM7 (Securing Economic Development) states that all existing, or vacant former, employment sites will be protected for economic development purposes and sets out how non-economic uses of such sites would be assessed. Although not specifically identified for waste developments, it is considered that waste developments such as the proposed WTS make an increasingly important contribution to local economic sustainability, therefore the principle of a sui generis waste use on employment land is considered to accord with Policy DM7.
67. Objection from Bassetlaw District Council on the basis that minimal employment would be generated is noted, however the objection does not reference any observed departure from Policy DM7 and in the report to the District Planning Committee, the officer states that the re-use of a former employment site for other employment uses (as this is) is acceptable under this policy. Because of this land use compliance there is therefore no mechanism to direct or favour certain more employment intensive uses to this site and no policy reason for refusing the proposed WTS on this ground.

68. It must also be recognised that the proposed development would also reuse what is a vacant plot (and has been vacant for several years) which currently has only a small building on site, surrounded by amenity grass. The WTS would make more of an effective and efficient use of the site, utilising a greater portion of the plot. The reuse of previous developed land accords with the aims of the NPPF and PPS10.
69. In assessing the suitability of the proposed site, it is evident that the site is an established employment site (albeit currently vacant) within the Claylands Avenue/Dukeries Industrial Estate. Surrounding uses include a substantial speculative distribution centre of some 28,000sqm, to the south, marketed as the 'Arrow', a building materials supplier to the east and a commercial vehicle agent to the north-east. Claylands Avenue is a spine road serving the estate and which joins the A57 Worksop bypass approximately 200m west of the application site and offers good access to destinations beyond the locality. Against Policies WCS7 and DM7 the proposed site is therefore considered a suitable location for a WTS in principle terms, subject to highway/transport, amenity and environmental evaluations.

#### Highways, Traffic, Access issues

70. The proposed WTS would act as a road-serviced depot for the receiving of waste, before it is bulked up for onward transport. A key characteristic of its operation would therefore be the levels and patterns of HGV traffic entering and leaving the proposed site.
71. The application is accompanied by a 'Transport Statement' which sets out the maximum likely numbers of vehicle arrivals and departures based on the operation of similar sites operated by the applicant and based on the estimated throughput or capacity needed to serve the area. An outline traffic management plan has also been drawn up to direct the majority of waste carrying vehicles via the A57.
72. The operation of the proposed WTS would generate up to 73 HGV trips (146 two-way movements) on a typical weekday. These would comprise up to 46 HGVs (including Waste Collection Authority refuse vehicles) entering the site with various wastes and between 17 and 27 bulker HGVs exiting the site. In addition there would also be some car trips associated with on-site staff and drivers. This is estimated to be for three full time staff and up to five HGV drivers.
73. Objections have been received from Bassetlaw District Council, Shireoaks Parish Council and Rhodesia Parish Council on grounds of traffic impact. With regards to impact on the two Parishes, there is no reason for associated HGVs to enter these settlements with the exception of the usual Local Authority refuse collection vehicles or any private commercial waste collection.
74. Assessment by the local Highways Authority indicates that the traffic which would be generated can be accommodated on the local road network and that further assessments are not required. As the great majority of HGV traffic would utilise the A57, particular focus has been given to the capacity of this

road. The Highways Authority notes that the junctions currently operate within their designed capacity, but are expected to require improvement schemes in the future as the planned local growth is built out.

75. The Highways Authority recommend a mechanism to direct HGVs via the A57, so avoiding the main built up areas in Worksop. The applicant has confirmed in a draft traffic management plan that bulkers and vehicles under their own control will be instructed to access the WTS via the A57. However it is expected that a small number of refuse collection vehicles will approach the site from the east along Claylands Avenue after servicing local residential and commercial areas. This is estimated to be around eight of such vehicles per day or 11% of the total inbound trips. Clearly the site benefits from easy access on to the A57 and this avoids sensitive residential areas or less suitable roads for the type of vehicles. Claylands Avenue itself is a suitably designed spine road on the industrial estate.
76. It is also noted that the typical working arrangements envisaged at the WTS would result in a peak period for deliveries and exports during the middle of the working day, between 10.00 and 15.00hrs, thereby avoiding peak periods on the local road network. Up to 26 two-way movements would occur between 11.00 and 12.00hrs at the busiest period. Only one HGV arrival/departure would be generated during the am and pm peak periods between 08.00-0900hrs and 1700-1800hrs. The three members of staff and up to five drivers (in cars) could be expected to arrive and depart in the peak periods.
77. Policy WCS11 (Sustainable Transport) of the WCS is relevant to the proposed development. It seeks to encourage the use of more sustainable means of transport for waste, however for the WTS operation, it is considered that non-road transportation is not a feasible option, given the multitude of sources and final destinations for waste materials and the need for flexibility in managing waste sustainably. The operation of a WTS would however enable the bulking up of waste materials onto larger bulk carrier vehicles, thereby making best use of the existing transport network and minimising vehicle trips. With or without the operation of such a WTS, it is likely that residual waste in particular would still have to travel greater distances to final treatment or disposal locations in the future. A WTS would therefore aid and mitigate the impact of transporting waste materials, with consequent benefits for vehicle emissions and climate change implications. This would accord with Policy WCS14 (Managing Climate Change).
78. In terms of direct access onto the site, the application proposes to widen the existing access onto Claylands Avenue, providing a turning radii of 10m, which is in accordance with the 6Cs Design Guide and suitable for the types of HGVs which would access the site. Vehicle tracking or modelling has been undertaken on the proposed layout in order to demonstrate that both the junction design and internal manoeuvring areas would provide sufficient room for the types of HGVs envisaged and so that they can safely access and egress the public highway. This modelling exercise has been repeated to clarify and confirm that HGVs would be able to turn left out onto Claylands Avenue and left into the site without swinging out into the opposing traffic lane.

79. At the request of the Highways Officer the visibility splay at the proposed access has been lengthened from 43m by 2.4m to 47m by 2.4m. The resulting design is considered to be acceptable to the Highways Authority and is subject to the recommended condition No. 4.
80. A point of objection from Bassetlaw District Council is that there would be insufficient on-site parking for HGVs which could lead to queuing on the highway. The proposed site layout shows that the location of the weighbridge would be set back from the site entrance allowing for a HGV to wait before being directed into the facility. There is ample provision in the yard area to accommodate waiting HGVs and also there would be five HGV parking bays (with separate provision for seven staff cars) which could be used to hold HGVs if needed.
81. The busiest period is indicated to be likely between 10.00 and 15.00hrs, when up to 13 HGVs per hour would enter and depart (26 two-way movements). The applicant confirms that based on existing recorded turnaround times and contractual requirements, a five minute turnaround for HGVs is more realistic than the 20 minutes previously stated. Therefore a rapid turnaround of vehicles can be expected, thereby avoiding a stacking of vehicles at the site. Local Authority refuse vehicles (of which there are eight) would be unlikely to arrive from their collection rounds at the same time, but even if they did the site would be capable of accommodating the whole fleet. Other vehicles such as those under the control of the applicant servicing local HWRCs would be timed to arrive during off-peak periods. It has therefore been assessed that the WTS is fully capable of accommodating such movements, which are a maximum/worst case scenario, without leading to off-site queuing. It is also in the interests of a commercial enterprise to run an efficient haulage operation, where such vehicles are kept running, rather than be stationary for excessive periods.
82. For the limited number of on-site staff, the site can be accessed by means other than private car, including via two regular local bus services and on foot by means of the footway along Claylands Avenue. A footpath also exists linking Claylands Avenue to residential estates in the north-east. The site's location puts much of the town within cycling distance. The location is therefore considered a sustainable location enabling local access to employment opportunities.
83. An analysis of local road accidents, leading to personal injury has been undertaken as part of the transport statement. A total of seven incidents have occurred along Claylands Avenue between 2010-2012, five of which were at the A57 roundabout with one classed as serious. There is therefore no particular concern with regards to road safety, given the volume of traffic on this route and given the comparatively low volume of traffic which would be added to existing flows.
84. In assessing the proposed development, it is considered that sufficient information on traffic matters has been presented and that a good understanding of likely and typical operations has been set out, which has been based on worst case (maximum capacity) scenarios. It is considered that



the proposal accords with Policy W3.14 and W3.15 of the WLP, by means of the existence of sufficient highway capacity, whilst routes would avoid disturbance to local communities. The bulking of waste would accord with Policy WCS11 of the WCS. It should also be noted that the NPPF stipulates that development proposals should only be refused on transport grounds where the residual cumulative impacts are considered to be severe. This is evidently not the case with the proposed development as the site is well connected to the main road network.

#### Design and Visual Impact

85. The proposed WTS would take the form of a steel portal framed building positioned gable-end on to Claylands Avenue with an outside yard area and parking. The building would be set back some 40 metres from the road frontage and positioned against the eastern boundary with the neighbouring business.
86. With a maximum height of 13 metres and with a floor area of some 2,666sqm, the building would be substantially larger than the existing 'Dukeries House' commercial unit which has a ridge height of circa five metres and floor space of some 250sqm. This difference in scale is a reflection of the fact that the present unit is unusually small for the plot within which it sits, with a large surrounding area of open landscaping or surfacing. In context the present unit is also relatively small, when viewed against the neighbouring buildings. The business units to the east include the building materials supplier which occupies a building of circa 1,100sqm and a hardware supplier occupying premises of some 3,700sqm. Both of these are portal framed buildings, typically two-storey, with brick lower courses and sheet cladding above. They are arranged generally gable end on to Claylands Avenue on longitudinal plots and have yard areas to the front and side of the buildings.
87. The proposed WTS would seek to mirror the pattern of development set by these business units to the east and would be of a similar form and scale and would be similarly set back from the road frontage. The WTS would be larger than the neighbouring building materials supplier and notably larger than the existing small unit. The WTS would however be of a much smaller scale than the substantial warehouse situated to the south. This distribution facility, built speculatively and marketed for sale/to let as the 'Arrow' is some 30,000sqm in area and in excess of 15 metres high, provides the backdrop for the proposed WTS site when viewed from Claylands Avenue. The 'Arrow' presents a large blank warehouse elevation, softened by use of fading colour cladding and is stop-ended by the integral offices of the building which overlook the car park which lies to the west of the proposed WTS site. The proposed WTS would further break up the expanse of this building, whilst not compromising the windows of the integral offices.
88. The WTS building would utilise a greater proportion of the plot, but still providing ample circulation and manoeuvring room in the outside yard. Its positioning would not adversely impact on the neighbouring business, which has an area of external storage to the side.

89. A suitable colour scheme has been proposed for the WTS building and which has been successfully used on similar developments in the County and further afield. The main cladding would be 'Moorland Green', with 'Heritage Green' detailing. These would be above a fair faced concrete lower level. The roof cladding system would be 'Goosewing Grey'.
90. In terms of site boundaries, it is proposed to replace the boundary fencing with 2.4m high steel palisade fencing, as already installed at the front.
91. Details of the landscaping have not been submitted, however a hedge along the site frontage, behind the perimeter fence, is indicated on the plans. There is therefore an opportunity to design and provide suitable native hedge and or tree planting along the Claylands Avenue frontage, which would help to soften the visual impact of the parking area and delivery yard, whilst not impeding junction visibility. There is also potential for some peripheral grass landscaping which could be seeded and managed for the benefit of nature conservation.
92. It is considered that such landscaping would provide a quality impression of the proposed development, which would greatly enhance the visual impact of this part of Claylands Avenue, from what at present is a forlorn and abandoned site.
93. Bassetlaw District Council object on the grounds of visual impact, however it should be recognised that this is an existing plot on a commercial/ industrial estate which could accommodate the proposed WTS without leading to a detrimental visual impact. There is no objection from the Landscape Officer and subject to the details and implementation of the landscaping under recommended condition No.11, the proposed development is considered to accord with Policy WCS14 (Design of Waste Management Facilities) of the WCS, and Saved Policy W3.3 of the WLP by providing for a high standard of design, layout and landscaping. The provision of the frontage landscaping accords with Saved Policy W3.4 of the WLP.

#### Impacts on local environmental amenity

94. The application site is located within an established employment/industrial estate and is largely remote from sensitive receptors, particularly residential dwellings. Neighbouring businesses operate in the distribution, engineering and automotive sectors. The nearest main residential area, part of the Gateford area of Worksop, is approximately 300+ metres to the east and can be accessed by a footpath leading off Claylands Avenue. The nearest residential properties are at Tranker Lane, alongside the A57 and which are approximately 140 metres to the west, some of which appear to be in connection with adjoining businesses.
95. The proposed WTS has potential to generate noise (including that associated with traffic), odour, dust and litter which could impact beyond the development boundary, however with proper management such impacts should be contained to a minimum and acceptable level. The relevant impacts are considered as follows.

### *Odour/Dust*

96. Waste materials by their very nature can be odorous and the tipping and handling of this material can release smells and dust. The successful operation of a WTS therefore hinges on such activities being undertaken within a controlled environment inside the proposed building and limiting the escape of odour and dust into the environment. The applicant intends to have strict standards of site management in place to manage the throughput of waste, so as to minimise odour generation in the first instance.
97. The applicant states that there would be a regular throughput of waste at the site, thereby preventing the long term build-up of materials, particularly residual waste which could create odour. Waste would be kept segregated according to its respective stream and good housekeeping would ensure yard areas are kept clean and that HGVs utilise the on-site wash bay to prevent detritus leaving the site. An odour suppression system would be installed, which would create a fine mist containing a deodorant to further limit the escape of odour. The applicant has extensive experience in running such facilities across the UK without causing local nuisance.
98. Due attention has been applied to matters of dust and odour in accordance with Saved WLP Policies W3.7 (Odour), W3.10 (Dust) and W3.11 (Mud). Should planning permission be granted, the site operations would be regulated by the Environment Agency by means of an Environmental Permit to ensure local amenity is protected. Planning conditions are though recommended to control these matters including measures to control odour (condition 24) and dust and mud (condition 23), by means of general and industry best practice in site management, including the cleaning and sheeting of vehicles, the cleaning of hard surfaces and keeping the main doors to the building closed when not in use for vehicle entry/exit.

### *Litter*

99. The potential for windblown litter would be minimised as part of the strict site management procedures which would be put in place. The tipping and storage of waste materials within the WTS building would greatly minimise the escape of material and procedures would be in place to collect any which escapes into the yard or into the surroundings. It should though be noted that certain inert wastes including glass would be stored externally in dedicated storage bays, but that these would not create a potential litter issue. The provision of the 2.4 high fence would also provide a further line to contain any litter within the site. The sheeting of unenclosed HGVs would also ensure no escape of material en route. Such measures would accord with Saved Policy W3.8 (Litter) of the WLP and litter would also be covered by the Environmental Permitting regime.

### *Vermin*

100. Vermin control is primarily considered to be an operational issue relevant to the environmental permitting regime than a land use planning issue and PPS10 advises that controls under the respective regimes should complement rather than duplicate each other. Nevertheless the applicant intends to control



any potential vermin instances by ensuring the WTS building is closed when outside of operational periods and maintained to prevent infiltration. Only inert wastes would be stored externally and the site would be kept litter free. It is intended to operate the facility such that there is a rapid turnaround of incoming waste. Operations would be supported by regular visits by a pest controller, as required, however with good site management, instances of vermin is not likely to be problematic. Seagulls are not usually noted at such enclosed facilities.

### *Noise*

101. The application is accompanied by an environmental noise assessment which has been prepared in accordance with the relevant British Standard-BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas' and which has been reviewed by the County Noise Engineer. Supplementary noise information was subsequently provided in response to requests from the engineer.
102. Background noise measurements have been undertaken at the nearest residential properties, these being at Tranker Lane (140m west of the site), Gateford Toll Bar (370m north) and Coach Road, Shireoaks (450-530m northwest) over a typical 24 hour period. Noise measurements have also been undertaken at a similar operational WTS facility to understand likely noise types and levels including an understanding of 'noise breakout' from buildings.
103. Under the BS4142 methodology, in order to avoid the likelihood of complaints, the 'rating' noise level should not exceed the background noise level by more than 5dB(A). The assessment estimates that the Rating level (including 5dB penalty) will be of less than marginal significance at all three receptors. The noise assessment has also considered the noise impact of individual events associated with the operation of the facility including; HGV movements in the yard, door slamming, reversing alarms and glass tipping. Each of these activities has been assessed as insignificant at receptor locations.
104. The noise assessment has predicted noise impact of the individual noise generators as well as cumulatively with the on-site vehicle movements, which has been assessed as being neutral to negligible and subjectively barely perceptible to the receptors.
105. A further assessment of predicted L<sub>Amax</sub> noise levels associated with the operations have been compared with L<sub>Amax</sub> noise levels recorded at each receptor. The calculated levels are predicted to be significantly below those already experienced at the properties and below ambient noise levels generally and therefore are not considered to be significant.
106. Due consideration has also been paid to the construction phase of the proposed WTS which is likely to involve noise generating activities at different stages and for relatively short durations, given the straightforward type of construction. The assessment has estimated the highest likely construction noise and its impact at the residential receptors based on the relevant British Standard BS5228:2009 and has found that it in all cases noise levels at

receptors is predicted to remain below existing noise levels and therefore are not considered to be significant.

107. As assessment of the noise impact of additional road traffic in connection with the proposed WTS has been undertaken in accordance with the Design Manual for Roads and Bridges (DMRB), and has assessed this in the short and long term as “Neutral”.
108. Further clarification has been provided on a number of issues: The predicted noise levels from the vehicle wash bay finds that noise levels would be significantly below the existing ambient and background noise levels at the residential receptors. The noise impact of externally operating plant has been found to be insignificant, as only a loading shovel would be operated outside.
109. Regarding noise impacts at weekends, the applicant has compared operational noise levels to night time noise levels recorded at the receptors (on the basis that these will be lower than weekend daytime levels). The highest predicted noise levels are below the existing ambient noise levels and similar to background noise levels and therefore not considered to be significant.
110. Consideration has also been given to the potential noise impacts at the integral offices within the ‘Arrow’ site to the immediate south of the site. The applicant has demonstrated that internal office noise levels should remain in the “good” to “reasonable” design range according to BS8233:1999 for an office environment. The applicant has also confirmed that the roof of the proposed WTS would be constructed from cladding having a minimum noise reduction index of  $R_w=25\text{dB}$ .
111. A thorough understanding of the likely noise impacts which might arise from the proposed WTS has therefore been completed to the satisfaction of the County Noise Engineer. The site is suitably remote from sensitive residential receptors and neighbouring businesses are not considered particularly noise sensitive, however impacts on the adjacent offices have been assessed. Accordingly it is considered that the proposed development would not lead to an unacceptable impact on the quality of life of those living or working nearby in accordance with Policy WCS13 and suitable conditions are recommended in accordance with saved Policy W3.9 of the WLP.

#### *Operating Hours*

112. Operating hours of between 06.00 to 22.00hrs Monday to Friday and between 07.00hrs to 19.00hrs Saturdays and Sundays are being sought. Bassetlaw District Council objects to these hours due to not allowing for a ‘respite’ to residents. It should though be noted that the setting is that of an industrial and business estate which benefits from good road access and is distant from residential areas. The applicant indicates that typical working hours are actually likely to be less (between 06.00-17.00hrs Monday to Friday and 07.00 to 13.00hrs Saturdays/Sundays). The submitted Transport Statement also sets out a typical pattern of vehicle movements, which shows that a single vehicle would arrive and depart per hour in the evening (between 16.00 and 22.00). The proposed hours of operation would allow some operational

flexibility to respond to peaks and troughs around public holidays and would allow on-site working, even if no deliveries or exports of waste were scheduled. For these reasons the proposed hours of operation are considered acceptable. Conditions are recommended to cover these as well as to restrict the outside tipping of glass to between 09.00-15.00 hrs.

*Amenity impacts on future commercial and residential occupiers*

113. Several of the objections to the application are in regard to a proposed mixed use commercial and residential development situated on the open fields to the north and the compatibility of a waste type development in proximity. These objections include those from Bassetlaw District Council. Concerns have been raised that the proposed WTS would compromise future development, particularly commercial development, on this site and in the Claylands Avenue locality generally, particularly if issues such as dust, odour or noise could not be adequately controlled.
114. The fields to the north of Claylands Avenue are identified for development in the newly published 'Preferred Options' Bassetlaw Site Allocations document, which has been subject to an eight week public consultation. The District Council identify the proposed allocation site as a key gateway site into Worksop that is well positioned to deliver economic development benefits and complementary residential development. The allocation proposes 6.5ha of employment land on a parcel of land fronting Claylands Avenue and the A57 and for 330 dwellings on the remaining land further north up to Gateford Road. It envisages two access points, one off Claylands Avenue to serve the employment portion and one off Gateford Road to serve the residential element, with a link between the two. The proposed allocation is shown on the attached Plan 4 as 'MU2'. An outline planning application has now been submitted to the District Council for up to 380 dwellings and 19,000sqm of office development at the site. (Planning Ref. 14/00213/OUT)
115. Fields to the north of Shireoaks village, to the north-west, are also subject to a proposed allocation and current outline planning application (Ref. 14/00223/OUT) for 175 dwellings and 15ha of employment land. Again, the proposed allocation is shown on Plan 4 as 'MU1'.
116. A third outline application for 750 dwellings (Ref. 14/00431/OUT) has been lodged with Bassetlaw District Council for land at 'Gateford Park', off Ashes Park Avenue approximately 1km to the north-east. This is also a proposed allocation by the District Council (albeit for 670 dwellings)
117. As already mentioned the distribution centre development to the south remains vacant since it was developed and is on the market.
118. It is therefore clear that the northern and western areas of Worksop will, if developments proceed, see significant growth and expansion in housing and employment land to serve the future needs of the town. The proposals for the fields to the north of Claylands Avenue are the most relevant to the application for a WTS.

119. One objector claims that the siting of a WTS would be inconsistent with the District Council's aspirations to promote the area for high quality and prestigious office development and that prospective employers and businesses would be deterred from locating in the area. The objector believes substantial weight should be given to the 'Preferred Options' Allocations Document in the planning considerations of the WTS application.
120. It is considered that some limited weight can be afforded to the preferred options document and to the associated outline planning applications. The 'preferred options' is the first public stage of the preparation of this Development Plan Document, which would sit alongside the adopted Core Strategy. However, in any event it must be recognised that it is purely a land allocation document, which identifies suitable development sites and sets policies on how they should be developed. Its scope is therefore limited to the respective proposed allocations and does not extend geographically further to surrounding land. Area based policies are set out in the overarching Core Strategy which, whilst directing much of the District's growth in and around Worksop, does not have a specific policy for the Claylands Avenue/Dukeries Industrial Estate. The application site is therefore subject to the regular Development Management policies in the Core Strategy and no policy conflict has been found.
121. Should the mixed use development proceed on land to the north, it is considered that the development of a modern WTS would not impede the development of an office based employment park, acting as a gateway location alongside the A57 junction. Such an office park would be separated from the WTS by Claylands Avenue and the stand of trees which lie directly opposite the WTS site and waste transfer operations would be enclosed within a portal framed building of a not dissimilar nature to neighbouring industrial buildings. Improvements to the A57 are also planned to take into account future growth in Worksop so as to enable further development to proceed.
122. In terms of impacts on future residential occupiers, it is considered that these would be located sufficiently distant from the WTS site, on the Gateford Road side of the proposed mixed-use land allocation. The nearest residential properties would potentially be approximately 175 metres from the WTS site boundary, which would be further away from the properties assessed at Tranker Lane for the purposes of noise impact. The positioning of the proposed office park development between Claylands Avenue and these residences should also act as buffer for any noise or other potential impact. The County Council's noise engineer has reviewed noise assessments accompanying both this application and that made to Bassetlaw District Council for the mixed use development and whilst neither takes into account potential future developments, he considers it unlikely that the proposed WTS would generate noise complaints from the nearest potential dwellings. Conditions would address any instance of complaints being received.
123. It is therefore considered that the development of a WTS on Claylands Avenue would not compromise the future development of the area to a mixed use nature of established and future businesses and residents. Furthermore, should planning permission for such employment and residential uses be

forthcoming, such development would increase the need for the type of waste management facility promoted in the current application. The redevelopment of the application site would enhance the presently un-kept and vacant site and enable existing site contamination issues to be addressed.

### Ecological Impact

124. An up to date ecological survey accompanies the application and which finds that the site comprises an industrial building and surrounding unmanaged soft estate areas, of common grassy habitat/species, with some scattered scrub and bramble along the periphery. The site was considered of low importance to amphibians and no group species were found. Whilst some open areas may provide suitable sheltering or basking habitat for reptiles, these areas were until recently managed as part of an operational site and are not connected to other suitable habitat. No reptiles were found and the site is considered to be of low importance for this species group.
125. A survey of the existing building has also been made with regards to any potential presence of bats. Due to the timing of the survey a dusk and dawn watch was not undertaken, however a good inspection was made of the roof void which found a generally unstable and unsuitable microclimate and there was no past or present bat evidence.
126. The surrounding area is largely made up of industrially developed land and agricultural land. The nearest designated wildlife sites are distant from the site, but include Lindrick Golf Course SSSI, circa 2km to the north-west and Woodsetts Pond Local Nature Reserve, 930m north. Locally designated sites include the former Shireoaks Colliery 400m to the south west, Tranker Woods, 400m south and the Chesterfield Canal 700m to the south. Any possible adverse impacts from the proposed development upon these sites is very unlikely given these distances and the intervening land uses and barrier features such as the railway lines or A57.
127. The site lies within the 5km buffer area around the prospective Sherwood Special Protection Area (SPA) (identified for its populations of Nightjar and Woodlark) and parts of the A57 to the south of the town are also within proximity of the 'Indicative Core Area'. Bassetlaw District Council object due to the 'unknown true ecological impact' including on the prospective SPA.
128. Whilst no formal designation has been made, Natural England advise a risk based approach when considering development proposals and advise on the specific impacts that may need consideration. The potential addition of pollution and or nutrient enrichment of breeding habitats from vehicle emissions associated with the proposed development is the only possible impact of relevance.
129. The County Nature Conservation Officer has assessed the proposed development against relevant guidance on this matter set out in the DfT's Design Manual for Roads and Bridges. The A57 will carry the majority of the WTS associated traffic and when assessing impacts of air quality from this road onto the Prospective SPA, the guidance identifies that an 'affected road'



is one where the Heavy Duty Vehicle (HDV) / HGV flows would change by 200 annual average daily movements or more. Based on the predicted traffic figures this threshold would not be exceeded and much of the associated traffic is already on the local road network. Therefore in accordance with the guidance, the proposed WTS can be considered to be neutral in terms of local air quality and there would be no impact on the prospective SPA.

130. The proposed development is therefore considered to accord with Policy WCS13 with regards to ecological impact and should planning permission be granted, conditions are recommended in accordance with Saved WLP Policy W3.22. Such conditions will require; details and the implementation of a site landscaping scheme utilising native tree and shrub planting, so to enhance the biodiversity value of the site; a direction that any vegetation clearance takes place outside of the bird breeding season; and that a check for bats is undertaken in the existing building should any development be delayed.

### Contamination

131. The application has been accompanied by a Phase 1 and 2 Site Investigation Report which appraises the site's development history, assesses potential contamination, and presents a site risk assessment and recommendations for further work.
132. The underlying geology across the site comprises the Edlington Formation (Mudstone and Sandstone). This underlies the Edlington Formation (Sandstone) and the Lenton Sandstone which are to the east of the site. The Edlington Mudstone formation is classed as a Secondary B Aquifer and the Edlington Mudstone and Sandstone, a Secondary A Aquifer. The application site lies within a Source Protection Zone (SPZ) - Outer Zone (Zone 2) which is set by the Environment Agency and is associated with the abstraction of ground water from the Lenton Sandstone Formation which is a Principal Aquifer.
133. Intrusive investigations have been undertaken with a variety of pits, trenches and boreholes and samples of soils and waters collected for testing. The results of the risk assessments indicate that there is no significant source of contamination in the made ground or soils on the site and no ground gas issues and that there is a negligible risk to human health or ecology.
134. Testing of groundwater below the surface has found organic and inorganic contaminants, with exceedences for arsenic, ammoniacal nitrogen, Polycyclic Aromatic Hydrocarbons (PAHs) and Total Petroleum Hydrocarbons (TPHs). Arsenic is likely to represent naturally occurring concentrations. Ammoniacal nitrogen may be a result of degrading organic matter. The PAHs and TPHs which, are hydrocarbons, are likely to be a legacy from the previous use of the site as a civil engineering business, such as from oil spillages. These hydrocarbons are present within the shallow groundwaters beneath the site and are relevant due to the SPZ below which protects the nearby Principal Aquifer and the potential pathway which exists for this pollution. Testing also found this hydrocarbon contamination in deeper boreholes, signifying that there is also a wider pollution issue from the surrounding area and that these

contaminants are diffusing in concentration. Whilst diffusing over a relatively short distance, the TPH concentrations were found to be higher than the Drinking Water Standard within the aquifer. From the site sampling undertaken, it was not possible to determine whether or not there is an unacceptable risk to the aquifer and groundwater resources from the hydrocarbon contaminants present and further site investigation, groundwater monitoring/ modelling is proposed along with a strategy for remediation.

135. The Environment Agency are satisfied with the scope of the work proposed and recommend a planning condition (No. 5) to require this undertaking. It is understood that this work is currently being completed.
136. Clearly the issue identified is as a result of the site's former use since the site was developed in the 1980s, however there may be more widespread contamination diffusing in the groundwaters generally. Whilst the end use of the proposed development is not in itself a sensitive use, any construction phase would need to be undertaken so that pollution pathways are not opened up, to ensure the protection of groundwaters. Suitable drainage for the site would also need to be installed.
137. Policy W3.5 of the WLP states that permission will not be granted for a waste management facility where there is an unacceptable risk of pollution to groundwater, unless the harm can be mitigated. The assessments and consultations confirm that planning permission can be granted, subject to the conclusions of the further investigative work to the satisfaction of the Environment Agency and the WPA.

#### Drainage

138. An outline drainage scheme has been designed and submitted to deal with both foul and surface water at the proposed WTS and these would connect into the existing foul and surface water sewers under Claylands Avenue. Suitable traps and interceptors would prevent pollutants entering the surface drains and which would be discharged into the drains at an attenuated rate with the use of a holding tank. In this case there is very limited space precluding the use of a sustainable drainage scheme with an attenuation pond as has been suggested. Seven Trent Water have been consulted, but have not commented at the time of writing. A condition (No.6) is therefore recommended to require final drainage details. The collection of surface waters should not result in a surface water flood risk to the area and the site is not at risk of fluvial flooding.

#### Employment generation

139. The application site is an established employment plot within the Claylands/Dukeries Industrial Estate, albeit it has remained vacant for the last few years. The proposed WTS would make full use of the available space, however it is acknowledged that such an operation is not labour intensive given it is indicated that the WTS would employ three FTE members of staff. This is a point of objection from Bassetlaw District Council, however as

discussed above the application site is an existing employment site and waste type development (which is a sui generis land use planning classification) is considered compatible with employment land. The site has been assessed as a suitable location for the proposed WTS and waste type uses are an increasingly important contributor to local and national economic development with waste increasingly being considered as a resource. Wider haulage job roles would also be supported as part of the applicant's vehicle fleet.

### Sustainability

140. The proposed WTS would aid the practice of sustainable waste management and whilst sorting or recycling would not be undertaken, it would enable waste to be efficiently transported to more distant final disposal, recycling or energy from waste facilities, thereby assisting in moving waste up the waste hierarchy in accordance with national and local waste and planning policy. In particular the WTS would enable a shift from residual waste being currently landfilled at Daneshill to energy recovery at a facility in Sheffield.

### Other Material Considerations

141. Air quality has been cited as an issue in some of the representations received and whilst an air quality assessment has not been undertaken, the application has been considered by the Environmental Health Officer at Bassetlaw District Council and the Environment Agency and no concerns have been raised.

### Other Issues

#### *Fire risk*

142. Members will be aware of several recent fires at a nearby WTS operated by Nottinghamshire Recycling Limited (NRL), at a site on Shireoaks Road. Several of the representations also make reference to these and the environmental impacts and disruption locally that these events can cause. Concerns have been raised that the proposed development could be similarly vulnerable to fire, given the mix of waste materials involved. Members are advised, however, that the incidents of fire at the site on Shireoaks Road are related exclusively to the NRL site and not the Veolia run HWRC which shares an access with NRL. The fires at NRL are considered to have been due to site management practices and despite the company entering into administration, the site is subject to ongoing enforcement action by the WPA and the Environment Agency. It should be noted that materials accepted at the proposed WTS would be regularly exported to avoid a build-up of flammable wastes and the proposed building would incorporate a large sprinkler system.

#### *Premier Foods*

143. It is considered that there would be no impacts on the operations at the Premier Foods site which is some 700 metres east on Claylands Avenue.



Only a small number of local WCA refuse vehicles would pass the factory en-route to the WTS.

*Environmental permit*

144. Subject to planning permission being granted, the operation of the WTS would need to secure and operate in accordance with an Environmental Permit as regulated by the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010.
145. The NPPF at Para 122 directs that planning authorities should focus on whether the development itself is an acceptable use of land and the impacts of the use on the land, rather than the control of processes or emissions where these are subject to approval under the pollution control regime. It should be assumed that such regimes operate effectively in regulating the operation. PPS10 also seeks to avoid duplication or complication between planning and pollution control authorities. Notwithstanding this framework and the objections received based on predicted operational and environmental impacts, the following seeks to inform how the permitting system would apply to the proposed WTS.
146. In this case a standard permit for a household, commercial and industrial waste transfer station would be required. This standard permit would allow for up to 75,000 tonnes per annum (tpa) throughput of waste, however if planning permission is granted then the WTS would operate up to a 65,000 tpa throughput.
147. The permitting system requires an operator to manage activities in accordance with a written management system that identifies and minimises risks of pollution, using competent persons and resources. There is a requirement for record keeping, notifications and reporting of activities and any incidents.
148. The permit would govern the types of waste to be admitted, which would be limited to non-hazardous wastes, so asbestos for example would not be permitted. If such wastes are found as contaminating a waste consignment, typically the material would be isolated and contained, pending appropriate disposal options. Wastes can be bulked up for disposal or recovery elsewhere and can only be manually sorted/separated, with no other treatment activities such as screening. The operator has to treat waste in accordance with the waste hierarchy, for example by segregating residual and recyclable wastes.
149. With the exception of certain inert wastes, including glass, soils, ceramics, bricks etc, all storage, bulking, transfer or treatment of waste must be inside the building or within a secured container. All waste has to be stored and treated on an impermeable surface with a sealed drainage system. No burning or incineration of waste would be permitted.
150. Only clean surface water from roofs, or from areas of the site not being used in connection with storing and treating waste, may be discharged to surface waters, or via soakaway. Other liquids can be discharged into a sewer with the consent of the local water/sewage company or taken off site by tanker.

Any containers holding contaminated liquids have to be designed to contain and prevent any leakage or spillage.

151. Any odour, or noise or vibration arising from the WTS operation should not be at a level likely to cause pollution/nuisance outside of the site, unless the operator has used appropriate measures, set out in their approved management plan, to prevent or where that is not practicable, to minimise, the relevant impact.

## **Conclusion**

152. The application proposes a Waste Transfer Station (WTS) to serve the waste collection needs of the Bassetlaw area and principally a means to bulk up collected household wastes for onward transportation to final recycling, energy recovery, or disposal facilities. The strategic need and location of the proposed WTS has been assessed against Policies WCS4 (Broad locations for waste treatment facilities) and WCS7 (General Site Criteria), which has found that, as a larger type facility the WTS is not supported in the northern part of the County, but that the site itself is considered suitable subject to an assessment of all environmental, transport and amenity impacts. The associated HGV movements can be satisfactorily accommodated on the local road network and the site is well positioned for access onto the A57. The site is situated on an industrial estate with few nearby residential properties and an assessment of noise has found that the facility could operate without causing disturbance. Suitable design and landscaping is proposed or subject to a recommended condition. The proposal provides the opportunity to bring a vacant plot back into beneficial use and would also address existing site contamination issues. Conditions are also recommended to cover an issue relating to underlying ground water contamination and the provision of suitable drainage, so to protect the aquifers from any further contamination. The proposed development is considered to accord with the Development Plan (albeit with limited conflict with Policy WCS4) and the WTS would enable more sustainable means of waste management in accordance with PPS10. Members are reminded that policies in the Waste Core Strategy should be read as a whole.

## **Other Options Considered**

153. The applicant has undertaken an assessment of alternative sites, before selecting the application site, as detailed in paragraph 61. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.

## **Statutory and Policy Implications**

154. 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

155. The WTS would not be open to members of the public, such facilities being available at the nearby HWRC. The WTS would be used by the local Waste Collection Authorities who would benefit from reduced mileage/trips to waste disposal/management facilities.

#### Financial Implications

156. At the meeting of the Finance and Property Committee on 11<sup>th</sup> November 2013, approval was given for the Group Manager-Legal and Democratic Services to enter into a 50 year lease of the land and premises subject to this planning application. Under the terms of the Nottinghamshire Waste PFI contract (2006) with Veolia ES, the design, construction, commissioning, operation and maintenance of the proposed WTS, including plant, labour, equipment and utilities, lies with the applicant.

#### Crime and Disorder Implications

157. The proposed WTS would be a secure compound by means of perimeter fencing, external lighting and remotely monitored CCTV. Out of hours lighting would operate on movement activation. The facility would be staffed during operational hours with controlled access at the gateway.

#### Human Rights Implications

158. 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.
159. With respect to Article 6 and with respect to representations alleging a conflict of interest due to the proposed development being part of the County Council's waste contract, Planning and Licensing Committee is considered to be an independent and impartial tribunal established by law. The application has been impartially assessed by officers of the Council.

#### Human Resources Implications

160. There are no human resource implications for the County Council. The proposed WTS would be operated by the applicant as part of the waste PFI contract.

### Implications for Sustainability and the Environment

161. The proposed WTS would act as an intermediate facility enabling waste to be managed further up the waste hierarchy and therefore in more sustainable ways. The bulking of waste has benefits in terms of reducing HGV movements which would otherwise be necessary and with the consequent benefits of reducing associated CO<sub>2</sub> and other emissions.
162. There are no implications relating to matters of equalities or for the safeguarding of children.

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

163. In determining this application the Waste 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, Planning Policy Statement 10 and the National Planning Policy Framework. 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 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 noise, traffic and road junction design 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**

164. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**JAYNE FRANCIS-WARD**

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

### **Constitutional comments**

The Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. (NAB 04.06.14)

### **Comments of the Service Director - Finance (SEM 03/06/14)**

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

### **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**

Worksop North - Councillor Sybil Fielding

Report Author / Case Officer

Joel Marshall

0115 9696512

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



**RECOMMENDED PLANNING CONDITIONS**

**Commencement**

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

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

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

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

**Approved Plans**

3. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
  - a) Drawing No. VES\_DT\_WSOP\_200\_018 Rev A, titled Site Location Plan, dated 19<sup>th</sup> December 2013 and received by the WPA on 23<sup>rd</sup> December 2013.
  - b) Drawing No. VES\_DT\_WSOP\_200\_010 Rev L, titled Proposed Site Layout, dated 8<sup>th</sup> January 2014 and received by the WPA on 8<sup>th</sup> January 2014.
  - c) Drawing No. VES\_DT\_WSOP\_200\_012 Rev B, titled Proposed Building Elevations and Section, dated 21st February 2014 and received by the WPA on 25th February 2014.
  - d) Drawing No. VES\_DT\_WSOP\_200\_013 Rev B, titled Typical Fence Details, dated 21st February 2014 and received by the WPA on 25th February 2014.
  - e) Drawing No. VES\_DT\_WSOP\_200\_016 Rev A, titled Proposed Vehicle Movement Plan, dated 19th February 2014 and received by the WPA on 20th February 2014.
  - f) Planning application forms and certificates received by the WPA on 23<sup>rd</sup> December 2013.
  - g) Planning Supporting Statement dated December 2013 and received by the WPA on 23<sup>rd</sup> December 2013.



- h) Environmental Noise Assessment by NVC Ltd and additional information, dated 15<sup>th</sup> October 2013 and 24<sup>th</sup> February 2014 and received by the WPA on 23<sup>rd</sup> December 2013 and on 25<sup>th</sup> February 2014 respectively.
- i) Letter from Veolia on points of clarification relating to fencing, storage bays, traffic and noise, dated and received by the WPA on 25<sup>th</sup> February 2014.
- j) Outline HGV Traffic Management Plan, dated February 2014 and received by the WPA on 25<sup>th</sup> February 2014.
- k) Transport Statement by BWB, dated 1<sup>st</sup> November 2013 and received by the WPA on 23<sup>rd</sup> December 2013.
- l) Phase 1 and 2 Site Investigation Report by TerraConsult, dated October 2013 and received by the WPA on 23<sup>rd</sup> December 2013.

*Reason: For the avoidance of doubt and to define the permission.*

### **Highways Access**

- 4. No part of the development hereby permitted shall be brought into use until the site access has been completed in accordance with the revised details provided in drawing VES\_DT\_WSOP\_200\_016 Rev A (Proposed Vehicle Movement Plan). 2.4 metre x 47 metre visibility splays shall be provided at the site entrance in both directions and shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height. The access shall be drained to prevent the unregulated discharge of surface water onto Claylands Avenue and surfaces shall be of a suitably bound material.

*Reason: In the interests of highways safety and in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Contamination**

- 5. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing by the WPA, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the WPA:
  - a) A preliminary risk assessment which has identified: all previous uses of the site; potential contaminants associated with those uses; a conceptual model of the site including sources, pathways and receptors; any potentially unacceptable risks arising from contamination at the site.
  - b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollution linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the WPA. The scheme shall be implemented as approved.

*Reason: To protect the underlying secondary and principal aquifers from contamination associated with the site's former uses in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Drainage**

6. No development hereby permitted shall take place until a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the WPA. The drainage works shall thereafter be carried out in accordance with the approved details before the development is first brought into use.

*Reason: To ensure satisfactory drainage of the site so to protect the underlying principal and secondary aquifers from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Lighting**

7. Prior to their installation on site details of the design, specification and operating periods of the floodlighting units and poles shall be submitted to the WPA for approval in writing. The details to be submitted shall include details of shielding to minimise light spillage or the likelihood of glare onto adjoining land or to road users. The lighting shall thereafter be installed and maintained in accordance with the approved details unless any variation is subsequently agreed in writing by the WPA.

*Reason: To protect the amenity of surrounding commercial property and in the interests of highway safety in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1- Waste Core Strategy.*

### **Ecology**

8. Should demolition works for the existing building not commence by 9<sup>th</sup> October 2014, then the building shall be re-surveyed for the presence of bats by a suitably qualified ecologist and the findings/recommendations submitted to and approved by the WPA prior to demolition works commencing.

*Reason: To safeguard a species protected by the Conservation of Habitats and Species Regulations 2010 and to accord with Policy WCS13*

*of the Nottinghamshire and Nottingham Replacement Waste Local  
Plan-Part 1- The Waste Core Strategy.*

9. All demolition contractors working on the building shall be briefed on the legal protection afforded to bats and on the procedure to follow if a bat is discovered during works. Should any protected species be found in the building during the course of the development hereby permitted, operations shall immediately cease and the advice of a suitably qualified ecologist sought. A suitable mitigation scheme shall thereafter be implemented in full accordance with details previously submitted to and approved in writing by the WPA.

*Reason: To safeguard a species protected by the Conservation of Habitats and Species Regulations 2010 and to accord with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

10. All site clearance operations that involve the destruction or removal of vegetation, including clearing or removal of shrubs or hedgerows on site, shall not be undertaken during the months of March to August inclusive unless otherwise previously agreed in writing by the WPA.

*Reason: To avoid disturbance to breeding birds and to accord with the Wildlife and Countryside Act 1981 as amended.*

### **Landscaping**

11. Within 3 months of the commencement of the development hereby permitted as notified under Condition 2 above a scheme for the provision of frontage native tree/shrub planting and other soft landscaping works shall be submitted to the WPA for its approval in writing. The scheme shall include:

- a) Planting proposals showing numbers, species, density of planting, positions and sizes of all trees and/or shrubs so to provide a frontage screening hedge;
- b) details of peripheral areas to be seeded with the an appropriate native grass and wildflower mix.
- c) and a maintenance schedule for a 5 year period, following completion of the planting.

The approved landscaping works shall be carried out within the first planting and sowing seasons following the completion of the development or as agreed in writing by the WPA and thereafter maintained in accordance with the details approved under condition 11.

*Reason: In the interest of visual amenity and to accord with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

12. Any trees or shrubs that, within a period of five years after planting, die, are removed or, in the opinion of the WPA, become seriously damaged or diseased, shall be replaced in the first available planting season with

specimens similar to those originally approved, unless the WPA gives written consent to any variation.

*Reason: In the interest of visual amenity and to accord with Policy WCS15 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Site capacity/throughput**

13. The maximum amount of waste material accepted at the site shall not exceed 65,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

*Reason: To ensure that impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Traffic**

14. Except where otherwise agreed in writing by the WPA, there shall be no more than 146 two-way HGV movements (73 HGVs into the site and 73 HGVs out of the site) each working day and no more than 628 (314 HGVs in and 314 HGVs out) movements over any 7 day period. Written records and time logs of daily HGV movements shall be kept by the operator and made available to the WPA within 7 days of a written request by the WPA.

*Reason: To ensure traffic and associated impacts are limited, so not to create an unacceptable disturbance to local communities in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy and Policy W3.14 and W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

15. HGV traffic routeing to and from the operational WTS shall be directed in accordance with the submitted draft Traffic Management Plan, whereby, with the exception of local trips, HGVs shall route via the A57 and Claylands Avenue and vice versa. Appropriate written instructions shall be given to drivers to inform them of the appropriate route to take.

*Reason: In the interests of highway safety and to ensure that HGVs are kept to appropriate routes in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part 1- The Waste Core Strategy.*

### **Controls on storage**

16. The external storage bays as shown on the approved site layout plan VES\_DT\_WSOP\_200\_010 Rev L shall only be used to store glass and other inert materials which are not likely to rise on the wind.

*Reason: To prevent the airborne spread of litter leaving the site and in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.*

17. The storage of waste materials shall be restricted to within the WTS building and in the dedicated external storage bays. Any waste materials escaping from these areas shall be promptly captured and returned, and the site otherwise kept litter free. In addition daily checks shall be made in the vicinity of the site for fugitive litter which shall then be promptly removed and recovered to the site.

*Reason: To prevent the airborne spread of litter leaving the site and in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.*

18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

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

### **Outstanding details**

19. Within 3 months of the commencement of the development as notified under Condition 2 details of the following items of the development shall be submitted to the WPA for its approval in writing :

- Vehicular and pedestrian gates onto Claylands Avenue.
- Positions of any CCTV cameras, including details of any poles.
- Detailed elevations and floor plans of the weigh office/staff mess facility.

The above items shall then be completed and subsequently maintained for the life of the operation in accordance with the agreed details.

*Reason: In the interests of visual amenity and to accord with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1- Waste Core Strategy.*

### **Hours of operation**

20. Unless otherwise agreed in writing by the WPA, the site shall not be operated except between the following permitted hours:

06.00 hours to 22.00 hours Mondays to Fridays

07.00 hours to 19.00 hours Saturdays, Sundays and Bank Holidays.

Outside of these hours the site shall be closed for the receipt, movement and transfer of waste and the floodlighting shall be switched off.

In addition the tipping or loading of glass in the external yard or external storage bays shall only take place between the hours of 09.00 to 15.00 on all days.

*Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.*

### **Noise**

21. All plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the applicant) used on the site shall incorporate white noise reversing warning devices and be fitted with noise abatement measures and silencers maintained in accordance with the manufacturers' recommendations and specifications.

*Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.*

22. In the event that the WPA consider that operational noise emissions from the WTS are likely to generate complaints the operator shall undertake a noise survey within 2 weeks of a written request from the WPA. The noise survey shall be undertaken in accordance with BS4142:1997 for residential premises or as agreed with the WPA for office premises, and shall be carried out under the supervision of the WPA. At residential premises noise levels should not be greater than L90 +5dB after the addition of a penalty for tonality/impulsive noise (if deemed applicable). For office premises, noise levels from the applicants operations shall not give rise to noise levels internally which exceed the "Good" Design Range for offices in BS8233:1999. The results of the noise survey shall be provided to the WPA for its written approval within 1 month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within 1 month following their approval by the WPA, unless otherwise agreed in writing by the WPA.



*Reason: In the interests of the amenity of nearby commercial and residential occupiers and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan-Part1-Waste Core Strategy.*

**Litter / dust /mud**

23. Measures shall be employed to minimise the generation of dust, mud, dirt or litter leaving the site both during the construction and subsequent operational phase of the development hereby permitted. These measures shall include, but are not necessarily restricted to:
- a) The regular sweeping and cleaning of internal and external hard surfaces
  - b) The storage of materials within dedicated storage bays
  - c) The use of water bowzers or other means to suppress dust on external stockpiles and hard surfaces.
  - d) The routine inspection of vehicles leaving the site for any deleterious materials and  
on finding any such deleterious materials, the directing of vehicles to use the on-site vehicle wash bay before proceeding.
  - e) The sheeting of all unenclosed waste carrying vehicles accessing the site
  - f) The wash bay shall be maintained in working order at all operational times.

*Reason: In the interests of the amenity of nearby residential occupiers and to accord with Policies W3.8, W3.10 and W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

**Odour**

24. Steps shall be taken to prevent the emission of malodours associated with the operation of the development hereby permitted, including but not necessarily restricted to, the following:
- a) the removal of putrescible waste from the WTS as soon as possible and in any event within 72 hours of its receipt at the site;
  - b) the regular cleaning of all areas within the building;
  - c) the use of water mist dust suppression systems (with the capability of the addition of a deodorant within the site as required);
  - d) the retention at all times at the site of stocks of deodorant for use in the water mist dust suppression system;
  - e) the installation and maintenance of fast acting roller shutter doors and the keeping of such doors closed except to allow the passage of vehicles entering or exiting the building;



- f) no parking of any vehicles loaded with waste materials outside the WTS building overnight or outside the permitted hours of working.

In the event that these measures prove inadequate, then within one week of a written request from the WPA additional steps or measures shall be taken in order to prevent the release of odours from the site, the details of which shall have previously been submitted to, and approved in writing by the WPA.

*Reason: To minimise potential malodour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Closure of the site**

25. In the event that the use of the site for the importation of waste should cease for a period in excess of seven days then, within seven days of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

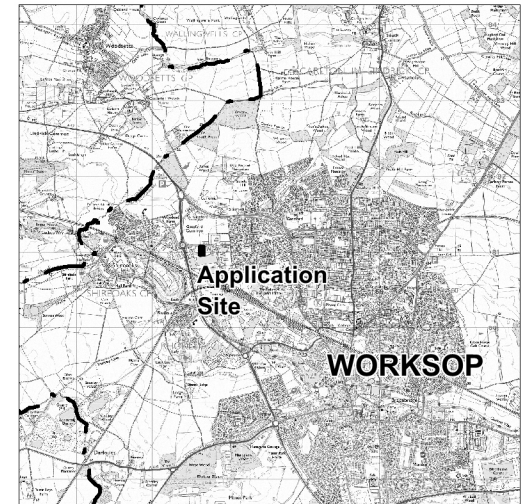
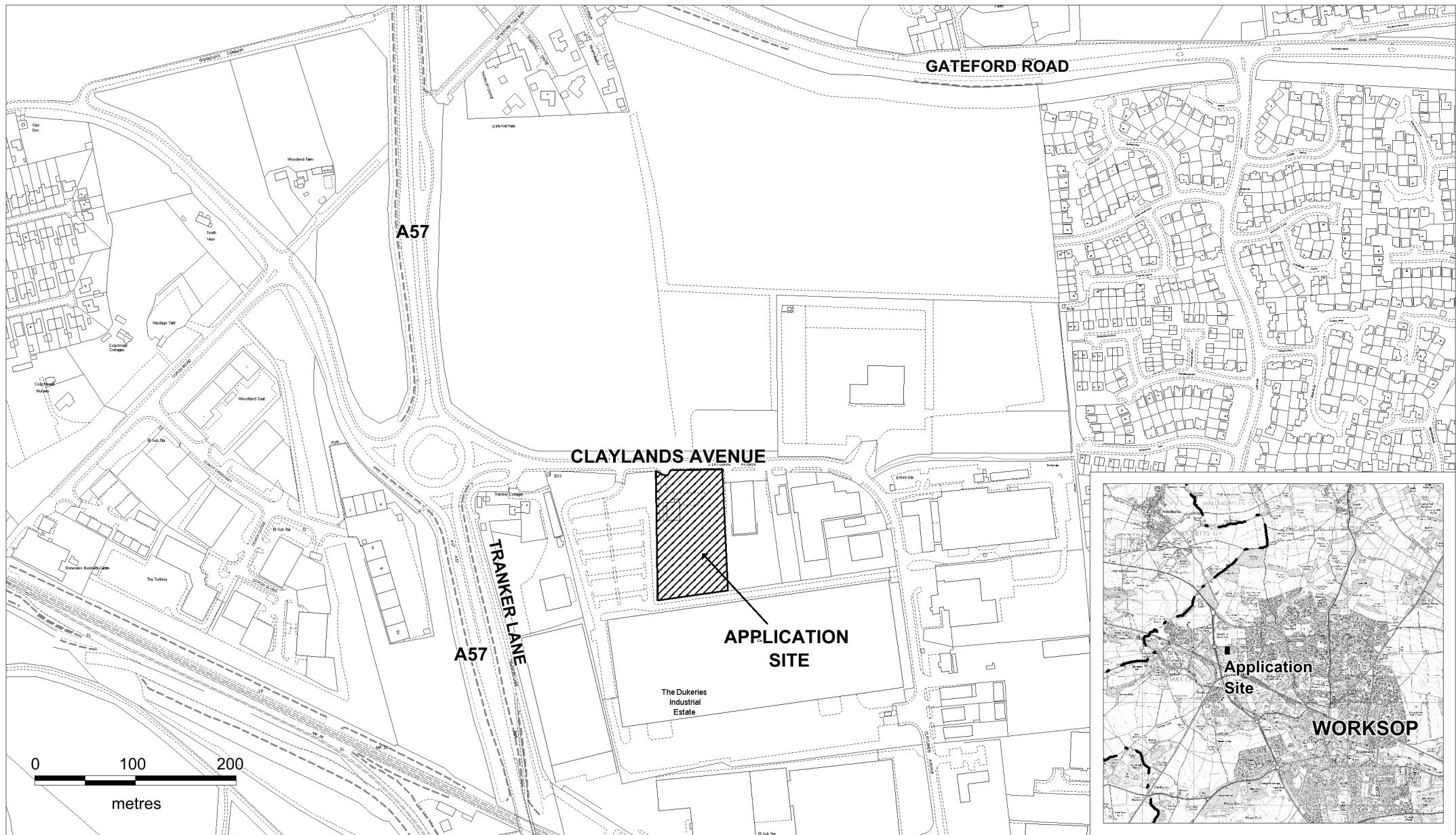
*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Notes to applicant**

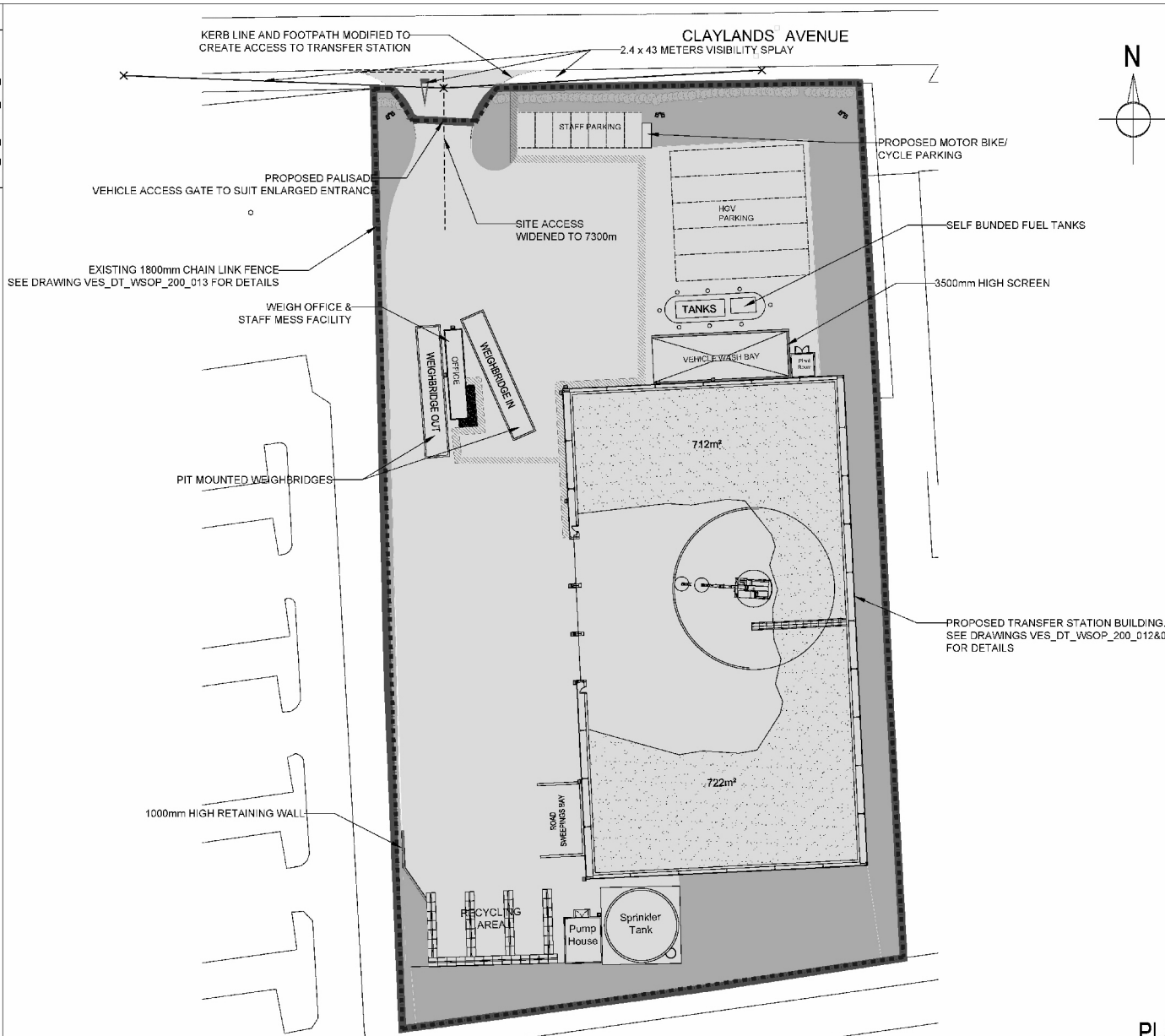
1. In order to carry out the site access works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Martin Green, Principal Development Control Officer - Nottinghamshire County Council, on 01623 520734 for details.
2. Pursuant to condition 23 it should also be noted that it is an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway and as such you should undertake every effort to prevent it occurring from the construction and operational phases.
3. Pursuant to condition 6 regarding a final drainage scheme, consideration should be given to providing sustainable means of surface water disposal or attenuation. You are advised to liaise with Seven Trent Water when designing the drainage scheme.
4. Whilst efforts have been made to contact relevant utilities providers with equipment in the vicinity of the site, the WPA is not able to offer specific guidance or feedback in this case. It is though likely that at least a HV electric and medium pressure gas main are present in the southern footway of Claylands Avenue and which may be affected by the access widening works.

You are therefore advised to contact Western Power Distribution and National Grid before commencing any such works.

5. The development will require an Environmental Permit under the Environmental Permitting Regulations from the Environment Agency.







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- KEY/POINTS OF INTEREST**
- PROPOSED PAINTED WALKWAY
  - PROPOSED VEGETATION/LANDSCAPED AREAS
  - PROPOSED CONCRETE ROADS/WALKWAYS
  - PROPOSED 800mm HIGH LIGHTING COLUMN
  - BUILDING MOUNTED LIGHTS

L	SCALE AMENDED	JD	JB	DL	08.01.14
K	BUILDING FOOTPRINT AMENDED	JD	JB	DL	04.11.13
J	STEEL WORK DETAILED	JD	JB	DL	29.10.13
I	ENTRANCE AMENDED	JD	JB	DL	24.10.13
H	TRACKING AMENDED	JD	JB	DL	21.10.13
G	PLANT ROOM DETAILED	JD	JB	DL	17.10.13
F	RECYCLE AREA AMENDED	JD	JB	DL	03.10.13
E	WEIGHBRIDGE & PUMP HOUSE	JD	JB	DL	12.10.13
D	SITE LEVELS DETAILED	JD	JB	DL	20.09.13
C	BUILDING EXTENDED	MD	DN	DL	29.08.13
B	DESIGN AMENDED	MD	DN	DL	25.08.13
A	SIZE OF WTS AMENDED	MD	DN	DL	26.07.13
	FIRST REVIEW	MD	DR	DL	12.06.13

**VEOLIA**  
ENVIRONMENTAL SERVICES

Technical Director,  
8th Floor, 210 Pentonville Road, London, N1 9JY  
Tel: 0207 812 5189

**Project:**  
WORKSOP WTS  
DUKERIES HOUSE, CLAYLANDS AVE

**Title:**  
PROPOSED SITE LAYOUT

Drawn	MD	Date	12.06.13	Scale	1:250 @ A1 1:500 @ A2	Sheet size	A1
Checked	DR	Date	12.06.13				
Approved	DL	Date	12.06.13		© Copyright Reserved		

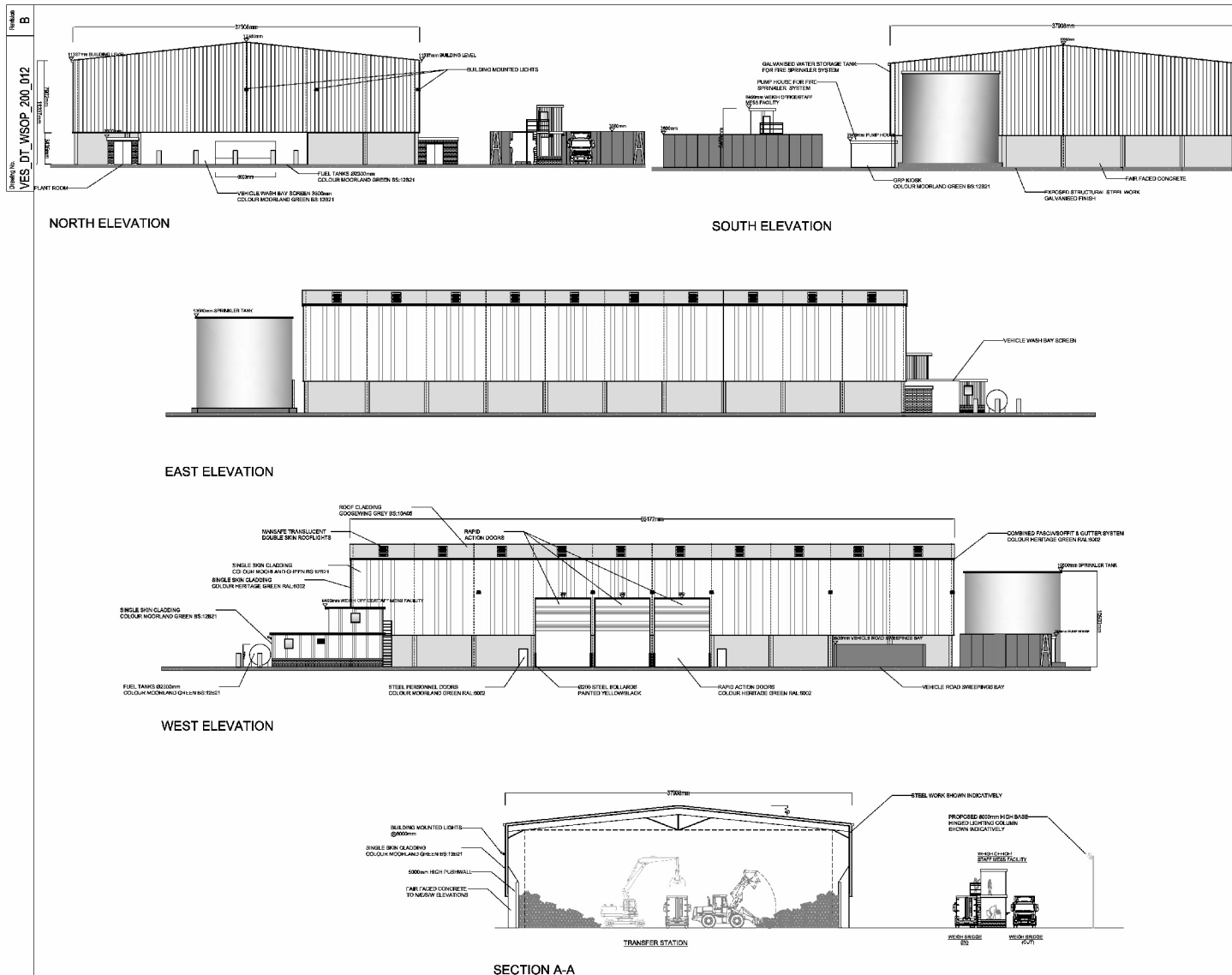
Job No. WSOP  
Drawing No. VES\_DT\_WSOP\_200\_010  
Revision 1

PLANNING









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Rev	Description of Revision	Drawn	Check	Appr	Date
B	GENERAL AMENDS	JD	JB	DL	21.02.14
A	RECYCLATES BAY DETAILED	JD	JB	DL	06.11.13
-	PLANNING ISSUE	JD	JB	DL	28.10.12

**VEOLIA**  
ENVIRONMENTAL SERVICES  
Technical Direction,  
8th Floor, 210 Pontonville Road, London, N1 9JY  
Tel: 0207 812 5189

**Project**  
WORKSOP WTS  
DUKERIES HOUSE, CLAYLANDS AVE

**Title**  
WORKSOP WTS  
PROPOSED BUILDING ELEVATIONS  
AND SECTION

Drawn	Check	Appr	Scale	Sheet size
JD	JB	DL	1:200 @ A1 1:400 @ A3	A1
28.10.13	28.10.13	28.10.13		

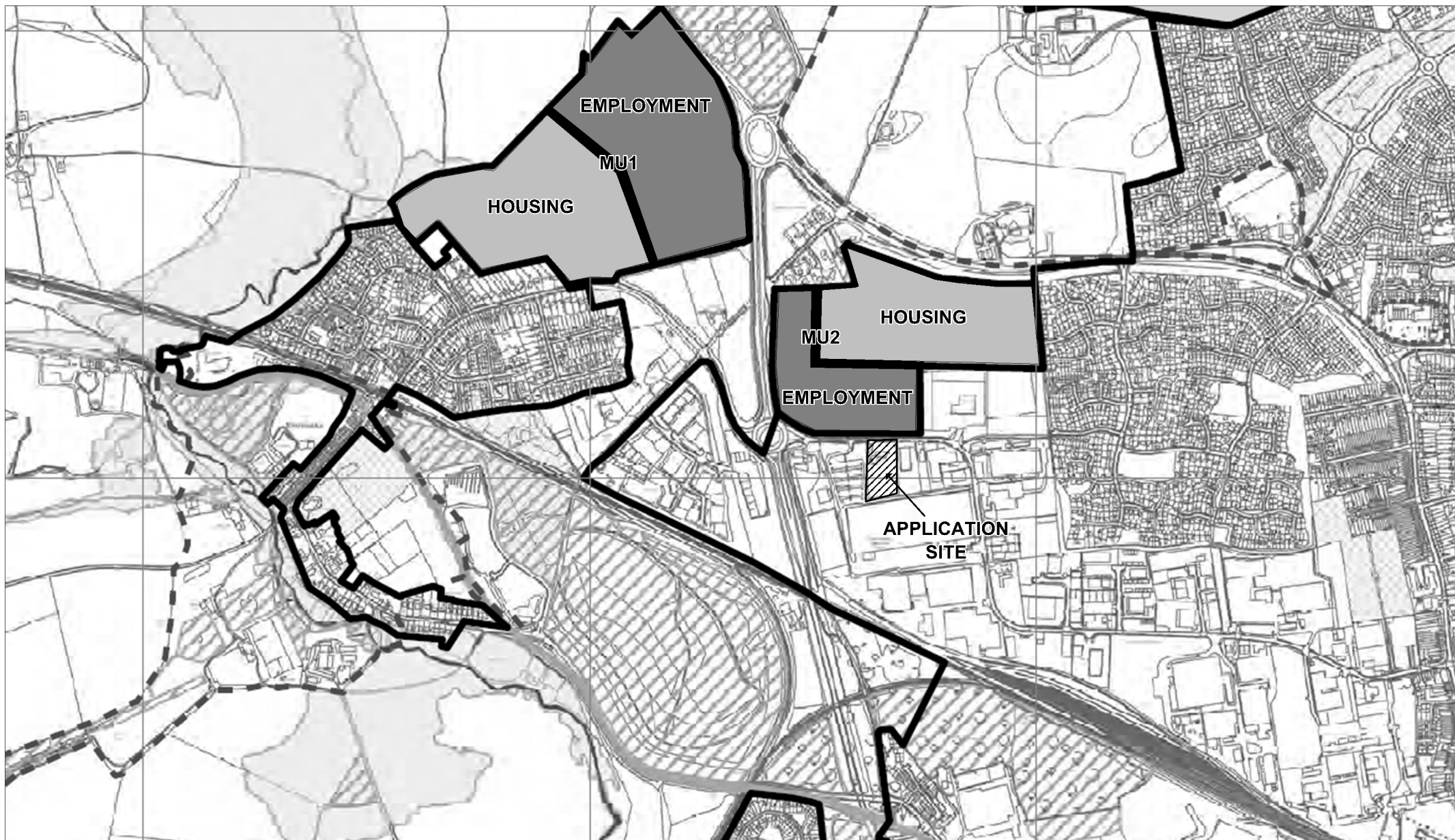
Job No.	WSOP	Revision	B
Drawing No.	YES_DT_WSOP_200_012		

PLANNING









**Nottinghamshire  
County Council**

Development and operation of a recyclates bulking and waste transfer station with associated infrastructure including external recyclates bays, weighbridges, internal roads, weighbridge cabin, welfare facilities, parking areas, wash bay, sprinkler tank and associated pump house. Site access improvements, landscaping and ancillary infrastructure including the demolition of the existing building onsite. Dukeries House, Claylands Avenue, Worksop, Nottinghamshire.

Planning Application No. 1/14/00037/CDM

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Not to Scale  
Produced by: JW  
Date: JUNE 2014

**PLAN 4**





**17 June 2014**

**Agenda Item:**

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

**RUSHCLIFFE DISTRICT REF. NO.: 8/14/00380/CMA**

**8/14/00610/CMA**

**PROPOSAL:**

- 1. RESUBMISSION OF APPLICATION FOR THE CREATION OF  
ADDITIONAL YARD AREA FOR WASTE WOOD STORAGE AND  
ERECTION OF SCREENING BUND (PARTLY IN RETROSPECT)  
ADJACENT EXISTING WOOD RECYCLING YARD.**
- 2. CREATION OF FLOOD COMPENSATION SCHEME.**

**LOCATION: JOHN BROOKE (SAWMILLS) LTD, BROUGHTON GRANGE, FOSSE  
WAY, WIDMERPOOL**

**APPLICANT: MR JOHN BROOKE**

**Purpose of Report**

1. To consider two planning applications relating to operations at John Brooke (Sawmills) Ltd, Broughton Grange, Fosse Way, Widmerpool. The first application is for the creation of additional yard area for the storage of waste wood and the erection of screening bunds (partly in retrospect). The second application is for the construction of a flood storage area to compensate the loss of flood storage capacity caused by the proposed construction of the screening bund within the Environment Agency defined flood zone. The key issues relate to the need for the development, development within the open countryside, the impact of the development on the setting of a listed building and general environment and amenity impacts from wood recycling operations.
2. The site lies within an area designated as 'open countryside' in Rushcliffe Borough Council Non-Statutory Replacement Local Plan. Policy EN20 – Protection of Open Countryside, lists the type of development deemed suitable in this location. Neither development is of a type listed in Policy EN20 and is therefore not acceptable development in the open countryside. Accordingly the application has been treated as a 'departure' from the Development Plan. The

recommendation is to grant planning permission for both developments subject to the respective schedules of conditions set out in Appendix 1 of this report

## **The Site and Surroundings**

3. The John Brooke Sawmills and wood recycling site is located directly east of the A46 Fosse Way, approximately 15 kilometres south east of the centre of Nottingham and two kilometres to the east of the village of Widmerpool. The site is accessed directly from the southbound carriageway of the A46 Fosse Way although there is no dedicated slip road.
4. Highways and associated infrastructure consists of a railway test line to the east of the site and the main A46 trunk road to the west. Public rights of way consist of the Upper Broughton Byway Number 14 approximately 330 metres south west of the site and the Widmerpool Footpath Number 3 directly opposite the site entrance, on the opposite side of the A46 (see Plan 1).
5. The nearest residential settlement is Hickling Pastures, a small strip of properties along the A606 Melton Road, approximately 600 metres to the east of the site. There are isolated properties to the south of the site including Keeper's Cottage – directly adjacent the south-western corner of the site, Broughton Grange Farm – a Grade II listed building 250m south west of the site, Broughton Lodge Farm – 300 metres from the southern boundary and The Bungalow – approximately 400 metres south. Approximately 350 metres to the west of the site is Barn Farm, and 400 metres to the north is Turnpike Farm. (See Plan 2)
6. The site is relatively flat and located within a shallow bowl of land which rises to the north, south and east. The surrounding area is predominantly agricultural with Hickling Pastures and the industrial Sawmill site providing the only relatively built up areas in close proximity. Fairham Brook runs parallel to the eastern boundary of the recycling yard. The application areas are bounded to the east by a row of mature trees and vegetation, to the south by agricultural fields and to the west and north by the existing recycling yard.

## **Proposed Development**

### Background

7. Recycling operations at the site commenced retrospectively by virtue of planning permission 8/06/00086/CMA, granted in 2007 for a green waste composting facility. The permission allowed 10,000 tonnes of green waste to be imported, shredded and composted at the site and included associated site infrastructure such as concrete hard-standing, site office and weighbridge.
8. The existing composting operation diversified and started to accept wood waste. This operation was deemed to be outside the scope of the composting operation and so planning permission 8/08/00847/CMA was granted in 2008 to allow for the importation of an additional 10,000 tonnes of waste wood for



processing. This was processed for a variety of markets including power station fuel and chip board manufacture.

9. Planning permission 8/09/01871/CMA was granted retrospectively in 2010 for an extension to the concrete pad on 0.4 hectares on land to the south of the existing site. This also permitted an increase in stockpile heights and a total tonnage restriction rather than individual restrictions on green and wood waste to allow greater flexibility in changing markets.
10. Since this time, further applications have been submitted for the wood and green waste processing operation to extend the site area and/or increase the throughput of material at the site. However these have been withdrawn and the site still operates with a 20,000 tonne restriction under planning permission 8/09/01871/CMA
11. In addition to the composting and wood recycling operation, two separate planning permissions have been granted for an energy biomass plant on land between the sawmills and the recycling yard. The intention of these developments was to utilise wood material processed at the recycling site. The first of these was planning permission 8/08/01818/CMA granted in 2009 for a 3 megawatt plant. This permission was never implemented due to a desire on the applicant's part to utilise an alternative burning technology and the permission lapsed. The second biomass permission 8/10/00867/CMA was granted in 2011 to accommodate a change in the burning technology. However, this permission was also not implemented and lapsed.
12. A third application for a biomass plant was recently considered by Committee at its April meeting when it was resolved to grant planning permission subject to a legal agreement and this is relevant to the applications being considered in this report. Planning permission 8/13/02185/CMA authorises the erection of two new industrial buildings and the installation of an approximately 7 megawatt wood fuelled renewable energy biomass plant (hereafter referred to as the 'Biomass Plant'). Importantly, the Biomass Plant application also encompasses the existing wood and green waste recycling facility and includes a tripling of throughput to 60,000 tonnes in order to provide sufficient fuel for the plant. Many of the planning issues raised throughout the course of this application have also been addressed in this Biomass Plant application.

#### Proposed Development – Extension to Wood Storage Yard

13. The first application being considered in this report is for the construction of two areas of hardstanding for the purposes of storing unprocessed waste wood pending processing on the main recycling yard. The applicant states that the land is intended to act as a buffer area to soak up peaks and troughs in the wood market and would not involve any change to permitted HGV movements.
14. The application site is approximately 1.4 hectares of agricultural land and comprises of two roughly rectangular parcels of land directly adjoining the eastern and southern boundaries of the existing recycling yard. The application area is detailed on Plan 3 and Plan 4.

15. It is proposed to construct the yards using an impermeable membrane over which type 2 stone would be spread and compacted to create an impermeable surface. Soils would be first stripped from the area and stored around the perimeter in bunds; these bunds would be seeded and landscaped in accordance with a landscape masterplan. The liner would be partially laid up the side of the bund to retain surface waters in the storage area and prevent their release to the adjacent watercourse. Water would be collected and used for dust suppression.
16. It is important to note that the application is part retrospective given that one area (that to the east of the site - see Plan 4) has already been constructed and the perimeter bunds formed.

#### Proposed Development – Flood Compensation Area

17. The application for the yard extension was originally submitted in 2013 but was withdrawn after consultation with the Environment Agency raised concerns about the loss of flood storage capacity resulting from the formation of the soil storage bunds. Despite best efforts, a flood compensation area could not be encompassed within the scheme and so the application was resubmitted in conjunction with an application for a flood compensation area.
18. However the application for the flood compensation area was withdrawn and resubmitted with a revised red line showing an outfall connection to the watercourse.
19. The application area – shown on Plan 3 – seeks permission to excavate a small scrape to provide approximately 375m<sup>3</sup> of additional storage capacity. An inlet would be excavated from Fairham Brook, approximately 0.75m above the mean water level, and a piped discharge would be constructed protected in a gravel filled trench. A headwall is proposed at the outfall to Fairham Brook to protect the bank from erosion. The slopes of the storage area would be grass seeded to prevent erosion. See Plan 5.
20. The works are proposed to take place in conjunction with the storage yard extension. Soils excavated from the flood compensation area would be added to the screening mounds.

#### **Consultations**

21. **Rushcliffe Borough Council** *raises no objection subject to the Council being satisfied that the additional yard area and flood compensation scheme would not result in an increased risk of flooding and the development would not result in any significant adverse impacts on the visual amenity of the area and the open character of the surrounding countryside, the amenities of nearby residents or highway safety. It is recommended that the following matters are subject to conditions on any planning permission*
  - *Measures to control noise and dust;*



- *Measures to prevent the processing, shredding or screening of waste or wood*
  - *A limit on the height of stockpiles of waste wood to 6m;*
  - *A limit on the hours of use to those stated in the application;*
  - *Measures to prevent the escape of litter;*
  - *Measures to prevent fires*
  - *Landscaping*
22. **Upper Broughton Parish Council** has not responded on the applications.
23. **Hickling Parish Council** *objects to the application on the basis that an increase in capacity will add to noise and airborne pollution. Also concerns are raised about the potential pollution to Fairham Brook and the functioning of the flood plain.*
24. **Environment Agency Midlands Region** *raises no objections in principle to the proposed development but recommends that if planning permission is granted appropriate planning conditions are imposed. A suggested condition is provided with the response.*
25. **NCC (Planning Policy)** *raises no objections in principle to the proposed development. Planning policy guidance is provided including confirmation on the adoption of the Nottinghamshire and Nottingham Replacement Local Plan: Part 1 Waste Core Strategy. Also noted is the incorrect reference to the National Waste Strategy (2007) which has been replaced by the Waste Management Plan for England (December 2013).*

*The Planning Policy Team advise that the application must be considered in light of the Waste Management Plan for England (December 2013), the National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (PPS10) 'Planning for Sustainable Waste Management'. Due weight should also be given to the adopted Nottinghamshire Waste Local Plan (WLP).*

*The Planning Policy Team advise that the main driver of the NPPF is sustainable development with emphasis being placed on the waste hierarchy. The team considers that the environmental criteria in Chapter 3 of the WLP and the strategic policies set out in the WCS can be considered in this case. These provide support for this proposal, subject to environmental considerations. Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve management methods. Policy WCS4 indicates that small facilities (in line with Table 8 of the WCS) will be supported in all locations where these will help meet local needs.*

26. **NCC (Built Heritage)** *raises no objection to this application in isolation. However cumulative impacts of additional developments could potentially detrimentally impact on the setting of the listed building (Broughton Grange Farm). A Landscape Masterplan has been secured as part of planning application 8/13/02185/CMA and this offers suitable mitigation of cumulative impacts.*

27. **NCC (Landscape)** agree that the impacts of the soil storage bunds and storage area (including 4m high wood stockpiles) will be negligible, but has commented on the planting and maintenance scheme and whether this will tie in with the Landscape Masterplan secured as part of planning application ref. 8/13/02185/CMA. A construction detail drawing is also requested and confirmation of the standoff between existing vegetation and how construction will be carried out in proximity to existing vegetation.
28. **NCC (Landscape and Reclamation)** comment on the application, querying where the soil material will be disposed.
29. **Western Power Distribution** raises no objection to the application.
30. **Severn Trent Water Limited, National Grid (Gas) and Alstom Transport** have not responded on the application. Any responses received will be orally reported.

## Publicity

31. The above applications have been publicised by means of site notices, press notice and a total of 31 neighbour notification letters have been sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
32. One letter of representation has been received; however the planning matters raised were more relevant to the Biomass Plant application rather than the storage yard extension and flood compensation area. One telephone call was received which expressed concern about the application. The issues raised relate to dust and pollution of Fairham Brook from processed wood material.
33. Councillor John Cottee comments that the operation has escalated from a small recycling unit to a much larger project and with that come concerns of noise, pollution and disturbance to neighbours. The principle of the operation and location of the development adjacent to a main road is accepted. However reassurances are sought as to the running of the site.
34. The issues raised under both applications are considered in the Observations Section of this report.

## Observations

### Planning Policy

35. The National Planning Policy Framework (NPPF) sets out the Government's preferred approach to the application of planning policy. Although the NPPF does not form part of the development plan, it is a material consideration in the determination of all planning applications and accordingly, requires that waste applications have regard to the framework so far as is relevant. There are no waste specific policies in the NPPF and attention is instead drawn to guidance set out in Waste Management Plan for England (December 2013)

and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10).

36. The thrust of national waste policy in the Waste Management Plan and PPS10 is to ensure that the most sustainable waste management option is applied in accordance with the waste hierarchy. In essence, the waste hierarchy looks to disposal as the last possible resort and only after all other options to manage waste in a more sustainable manner have been exhausted. The waste hierarchy is one of the key principles underpinning the recently adopted Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy (WCS)
37. The wood recycling operation at John Brooke Sawmills accepts and recycles wood predominantly from Waste Transfer Stations and Local Authority Household Waste Recycling Centres. Wood is source-segregated where possible or sorted on site meaning various grades of wood can be processed separately and directed to specific end users. Segregated wood is shredded to create products suitable for a variety of markets including power station fuel, animal bedding and panel board manufacture. Wood recycling sites therefore play an important role in diverting waste away from disposal in landfill and up the waste hierarchy. As such the principle of the existing wood recycling operation under the terms of the waste hierarchy is well established at this site.
38. The application seeks permission to extend the available storage area in order to better manage the wood material accepted and processed at the site. Wood recycling operations experience peaks and troughs in both the amount of waste wood available and the demand for the end product and so the applicant is seeking permission to provide greater on-site flexibility to accommodate these fluctuations.
39. The applicant identifies the need for the development as being changes in national wood markets and a reduction in capacity at established end users. This includes reductions in the types of wood permitted for use in the composting and animal bedding sectors and the slower than expected growth of the electricity generating biomass industry. A recent example of this is cited in the Government's Waste Resources and Action Programme (WRAP) Situation Report (2011). According to WRAP, demand for recycled wood for use as animal bedding has increased significantly over the past 5 years and wood markets have adapted to supply the increased demand. As markets develop, permitting and licensing regimes adapt to accommodate changes. For the animal bedding sector in particular, the Environment Agency's Permitting Regime restricted the type of wood deemed suitable for animal bedding and this resulted in a backlog of material at recycling site whilst alternative markets are found.
40. As noted previously, Committee resolved to approve planning application reference 8/13/02185/CMA (hereafter referred to as the 'Biomass Plant') at its meeting on 22 April 2014 subject to the completion of a s.106 agreement. The Biomass Plant – which includes the recycling yard in the red line application area – permits an increase in material throughput from 20,000 tonnes per

annum to 60,000 tonnes. Accordingly, the Biomass Plant is considered to be a material consideration in the determination of these applications.

41. The additional storage area and associated flood compensation area would be fundamentally linked to the operation of the recycling site. There are two possible scenarios which are relevant to the applications being considered in this report and accordingly, the planning merits of both need to be considered. The first scenario is that the planning permission for the Biomass Plant is not implemented and the throughput of the site remains unchanged at 20,000t. The second is that the Biomass Plant is developed and brought into use and the throughput of the site increased to 60,000t.
42. The Development Plan detail is set out in the Nottinghamshire and Nottingham Replacement Local Plan: Part 1 Waste Core Strategy (WCS) and Nottingham and Nottinghamshire Waste Local Plan (WLP). NCC Planning Policy Team within their consultation response draw attention to the following policies which are considered relevant to this application. WCS Policy WCS3 gives priority to new or extended waste recycling facilities where they contribute to achieving 70% recycling or composting of waste of 2025. WCS Policy WCS4 deals with Broad Locations for Waste Treatment Facilities and supports small-scale facilities within the open countryside where such locations are justified by a clear local need and where this would provide enhanced employment opportunities. WCS Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve management methods and/or reduces existing environmental impacts.
43. The application has been submitted to provide greater flexibility on site in terms of material handling and storage. Accordingly it has been stated that this will deliver improvements to the efficiency of waste processing at the site and ultimately assist with diverting waste away from landfill in accordance with the waste hierarchy. In this regard it is considered that the proposals will help towards achieving the recycling targets set out in WCS Policy WCS3.
44. WCS Policy WCS4 supports small-scale facilities within the open countryside where such locations are justified by a clear local need. Although the proposed storage extension (and associated flood compensation area) would not deal exclusively with waste wood arisings from the local population, some of the stored waste wood material would come as offcuts from the adjacent sawmills site and some would arise from Household Waste Recycling Centres which service the local area. The proposed development is connected to an established wood recycling facility which provides a conveniently located facility well served by highways infrastructure. Therefore the proposal for a storage extension to assist with the operation of an existing recycling site in this location is considered to meet the requirements of Policy WCS4.
45. Policy EMP2(a) – Employment Uses in the Countryside, of the Rushcliffe Borough Non-Statutory Replacement Local Plan allows for the expansion of existing employment uses provided that this would not lead to an over-intensification of the use of the site. The purpose of the policy is to restrict new buildings or promote the reuse of redundant buildings, neither of which is relevant to this application. Therefore it is considered that this policy is not

directly relevant to this application and Policy EN20 should be used to inform the decision.

46. Policy EN20 – Protection of Open Countryside, of the Rushcliffe Borough Council Non-Statutory Replacement Local Plan does not automatically support this type of development in the open countryside and requires that development is strictly controlled to maintain the open character. The protection of the character of the open countryside is a significant consideration in the determination of this application, since the openness of an area is characterised by an absence of development. Therefore Policy EN20 requires that development proposals in the open countryside are supported by strong justification.
47. Councillor Cottee in his representation raises concerns about the escalation of activities on the site and these comments are therefore relevant to a general expansion of the recycling yard in the open countryside rather than an issue of over-intensification. The agricultural land immediately surrounding the site is not presently being farmed and is considered impractical to do so, principally because of the position of the existing recycling site within the context of surrounding field boundaries and hedgerows. The land is proposed to be used solely for the purposes of storage on a periodic basis as and when market conditions dictate and so this is not considered to be an escalation of wood processing activities, merely a means of better managing permitted throughputs (both existing and potential). However, Councillor Cottee also raises environmental and amenity impacts which are considered in further detail below.
48. The ‘need’ for a development is addressed in Policy W3.1 of the WLP. The site with current levels of capacity has operated in its current configuration for a number of years, but there has been instance where wood storage has exceeded the permitted site area and encroached out on to surrounding agricultural land. Where such instances have been identified, the County Council has invited planning applications to regularise unauthorised storage or has given the operator a period of time to remove the unauthorised development. Where applications have been submitted, these have been withdrawn as wood is removed from the site over a period of time. Indeed this observed situation would lend support for the application.
49. The need for the development (in isolation of the Biomass Plant) is considered justified on the basis that there is not enough flexibility on site to accommodate present fluctuations in markets. The applicant has advised that this can be due to planned or forced shutdowns at end users such as power station or other biomass plants. Discussions with the site operator reveal that at the present time, many sites have ceased to accept wood material due to being close to capacity with limited outlets. This could be viewed as a good thing as it requires wood recyclers to continually improve the quality of the product, but this does not assist the required on-site flexibility at recycling sites whilst operations adapt. The application therefore seeks to provide an authorised and appropriately constructed storage area to accommodate market fluctuations. On this basis therefore, it is considered that the proposal complies WLP Policy W3.1 in terms of need for the development.



50. Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve management methods. Notwithstanding the resolution to permit the Biomass Plant, the applications being considered in this report meet the requirements of Policy WCS8 since they are required to provide improved site management methods for existing operations.
51. As noted above, the resolution to approve the Biomass Plant includes a threefold increase in throughput capacity of the existing wood recycling yard from 20,000t to 60,000t. It is important to note that 55,000t of the 60,000t would be fed directly into the Biomass Plant leaving little residual material available for existing wood markets. In this regard, the question was raised with the applicant as to whether the fluctuation in processed material markets argument still applies if the vast majority of material is being put through the Biomass Plant.
52. Members will recall the discussions which took place at the April Committee meeting regarding the 24/7 continuous operation of the Biomass Plant and the complexities involved with starting and stopping the process. The Biomass Plant requires a constant throughput to ensure the facility runs at its optimal efficiency and so the importation of material into the site also needs to be consistent. The applicant has advised that there will be instances where routine maintenance or unforeseen plant breakdowns result in a significant downtime and a backlog of material on the site which would ordinarily have been fed into the plant. The applicant has stated that in this instance, the storage area serves as a buffer zone to accommodate fluctuations by allowing existing contracts to be serviced and material to be continued to be imported and stockpiled. Indeed the applicant has advised that the additional storage area accounts for 8 weeks total throughput of the Biomass Plant.
53. Therefore, in the event that the Biomass Plant is developed, brought into use and the throughput increased, the proposals still demonstrate sufficient need, and will provide site management improvements to accommodate the increased throughput. For this reason, the proposals are considered to meet the requirements of WLP Policy W3.1 in terms of need, and WCS Policy WCS8 in terms of providing improved site management methods to accommodate an increase in capacity. In this regard, there is sufficient weight to meet the strong justification argument put forward in Policy EN20 of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

#### Surface Waters and Flood Impact

54. Both applications are supported by a flood risk assessment which demonstrates there will be no detrimental impact on the functional flood plain. The application for the flood compensation area was prepared to overcome concerns raised by the Environment Agency about the loss of storage capacity resulting from the formation of the bunds. The flood compensation application is therefore a consequence of the storage yard extension area and has been designed in consultation with the Environment Agency. The Environment Agency in their consultation response raised no objection to the proposals on flood grounds but requested that the flood compensation area is provided prior to, or in conjunction

with the extended storage yard so that the flood storage capacity of the area is not further compromised.

55. WLP Policy W3.5 requires that proposals do not give rise to unacceptable impacts on surface waters or flood plains and suggests that impacts might be mitigated by engineering solutions. WLP Policy W3.13 requires that proposals do not adversely affect floodplains or the integrity of local drainage systems and states that conditions will be imposed to protect relevant interests.
56. In consideration of the policies, the application for the flood compensation area ensures that the storage yard extension meets the requirements of WLP Policy W3.13 with the flood compensation area providing the engineering solution advocated in WLP Policy W3.5. A planning condition could be imposed in line with WLP Policy W3.13 to ensure that no additional soil bund construction takes place until the flood compensation permission is implemented. This is in line with the consultation response made by the Environment Agency. It is anticipated that the works for both schemes will take place at the same time and a scheme can be required to set out the relevant timings.
57. A planning condition can also be imposed to require details of the proposed construction of the piped outlet and headwall from the compensation area to the water course. This will ensure that there is no detrimental impact on the watercourse from erosion and is considered necessary in line with WLP Policy 3.5.
58. As noted previously, the development being sought permission is part retrospective. The construction of the storage area along the eastern side of the existing site has already been carried out, but is not yet in use. The consultation response from the Environment Agency indicates that the unauthorised development is having a detrimental impact on the flood storage capacity of the area and is therefore contrary to WLP Policies W3.5 and W3.13. However it is considered that this can be mitigated through a planning condition requiring the implementation of the planning permission within 1 year of the grant of permission should Committee be minded to approve. This would ensure that the impacts arising from the existing development are minimised, whilst providing a reasonable amount of time for the applicant to prepare and submit the necessary schemes reserved by the suggested condition, and mobilise plant/contractors as maybe necessary. In conjunction with this approach, an appropriately worded planning condition can be imposed to require the restoration of the currently unauthorised development in the event that the permission is not implemented. This ensures the development meets the requirements of WLP Policies W3.5 and W3.13.
59. Representations received from the Parish Council raise concerns about pollution of the brook as a result of surface waters leaving the site. The scheme proposes an engineered containment area to prevent surface waters entering the adjacent Fairham Brook and this is considered to meet the requirements of WLP Policy W3.5. The Environment Agency has requested a scheme for the provision of surface water drainage works to ensure the satisfactory storage/disposal of surface waters and to prevent the water becoming stagnant. The applicant has stated that surface waters contained in the bunded



area will be collected and used on site for dust suppression. Therefore In line with the Environment Agency recommendation, a planning condition will be imposed to require a scheme to be submitted to deal with surface waters arising from the development and prevent collected surface waters becoming stagnant. This is considered to be in accordance with WLP Policy W3.7 - Odour and Policy W3.13.

60. In terms of concerns about existing pollution of Fairham Brook. It is considered that these concerns stem from existing site operations. A surface water management scheme is in place for the existing recycling site and so incidents relating to surface waters leaving the site can be investigated and actioned under the existing planning permission. The permission for the Biomass Plant includes provision for a thorough review of surface water retention and disposal and so any identified problems could be tackled at this time. However, the Environment Agency has not been able to confirm whether there have been any recorded incidents in relation to this matter. Importantly therefore, it is considered that the applications being considered in this report will not contribute to any existing problems and is therefore considered acceptable in line with WLP Policies W3.7 and W3.13.

#### Landscape and Visual Impact

61. A Landscape Masterplan was submitted with the application and confirmation provided in the supporting statement that the applicant is agreeable to the planting up of the soil storage mounds in accordance with a scheme to be agreed. NCC's Landscape Officer agrees that the impacts of the soil storage bunds, storage area and flood compensation area alone will be negligible and that this can be further mitigated by appropriate planting of the soil mounds. WLP Policy W3.4: Visual Impact – Screening and Landscaping, states that landscaping conditions will be imposed to reduce the visual impact of the development. It is therefore proposed to reserve, by way of planning condition, a planting scheme for the soil storage mounds. Details would need to be provided of the species to be used in the new planting and conditions would require planting to be of native genetic origin and preferably of local provenance
62. The Landscape and Visual Impact (LVI) statement also considers the cumulative impacts of this and the Biomass Plant since the LVI was, in the main part, prepared for the Biomass Plant application. Throughout the course of these and the Biomass Plant applications, the Landscape Masterplan (see Plan 6) has been amended to address both concerns raised about the impact on the landscape, and on the setting of the listed building (discussed in further detail below).
63. In essence, the Masterplan plan includes strengthening existing shelter belts, providing new hedgerows and hedgerow trees and further planting in the vicinity to reduce the visual impact of cumulative development at the site. However, the Masterplan includes areas of planting which are outside the application area and not enforceable by planning condition and so the grant of permission for the Biomass Plant was conditional on the signing of a legal

agreement which will cover planting outside the application site and the long-term management of all existing and new planting.

64. The landscaping scheme associated with the two applications being considered in this report and therefore under the control of any planning permission will need to be subject to appropriate maintenance and aftercare to ensure the successful establishment of the planting. The planning obligation for the Biomass Plant includes appropriate long-term management, but the implementation of the Biomass Plant permission is not a certainty and so a scheme needs to be secured solely for the proposals being considered in this report. WLP Policy W3.4 states that conditions may be imposed to require measures for the replacement of plant material following planting.
65. NCC's Landscape Officer has raised concerns about the proposed method of construction for the flood compensation area due to its proximity to established vegetation adjacent Fairham Brook. To address these concerns, it is proposed to impose a condition on the grant of any permission requiring a scheme to be submitted setting out the method of construction in proximity to existing vegetation. The scheme will be required to accord with British Standard BS 5837:2012. Trees in relation to design, demolition and construction.

#### Heritage Assets

66. A heritage assessment was submitted with the application to assess the impact of the development on the setting of the Grade II listed Broughton Grange Farm which is located approximately 250 metres south of the site. This assessment was based largely on the one prepared for the Biomass Plant application since the landscape impacts of that development are considered to far outweigh those of the storage yard extension and flood compensation area.
67. NCC's Historic Buildings and Conservation Officer comments that the application in isolation is unlikely to detrimentally impact on the setting of the listed building, but considered that the cumulative impact of this and the Biomass Plant would give rise to a significant impact.
68. Paragraph 134 of the NPPF states harm to a heritage asset should be weighed against the public benefits of a proposal where the harm is less than substantial. Furthermore WLP Policy W3.28 states that proposals which harm the setting of a listed building will not be permitted.
69. It can be concluded therefore that the storage yard and flood compensation applications alone will not result in a significant harm to the setting of the listed building. Furthermore, the landscaping works required as part of this permission (secured by planning condition) could be designed to deliver further benefits in terms of improving the setting of the listed building (such as closely following historic field boundary). NCC's Landscape Team and Historic Building Officer would be consulted on any planting scheme submitted and this is considered appropriate in line with WLP Policies W3.4 and W3.28.

#### General Environment and Amenity

70. Rushcliffe Borough Council in its consultation response recommends that measures to prevent fires are secured by planning conditions. The existing wood shredding operations have suffered a fire which destroyed the processing equipment on the site. Following this incident the operator bought a fire engine which is kept on the site for such incidents. However notwithstanding these measures, fire risk is controlled through the Environmental Permit which incorporates controls relating to fire prevention and control.
71. Rushcliffe Borough Council in its consultation response also recommends that measures to prevent the escape of litter are secured by planning condition. The main potential source of litter from the operation is from plastic films such as sheeting or bags within the wood and compost waste. When these materials are processed (shredded), the plastics are also shredded resulting in smaller fragments more easily picked up by wind. The control of litter is already a requirement under the existing planning permission for the wood processing operation and requires the removal of contaminants from the material prior to processing. The operator also ensures - through contracts – that the wood material is as free of contaminants as possible. This application is for the storage of unprocessed wood waste only and a planning condition would prevent the yard extension being used for processing. Therefore with the existing controls in place, a specific litter condition is not considered necessary and the proposed development is considered to meet the requirements of WLP Policy W3.8: Litter.
72. The environmental criteria are set out in Chapter 3 of the WLP. Policy W3.9 deals with noise impacts from the development. Neither applications being considered propose additional plant and machinery or include alterations to the operation of the site which could impact on the noise climate. However, construction works may require additional machinery above and beyond those used routinely on the site, so it is considered expedient to impose a condition restricting construction hours so that they tie in with those of the operational site. This is considered appropriate in accordance with WLP Policy W3.9.
73. Dust has been an issue at the site with dust being generated by the wood chipping/shredding operations and from the movement of plant and machinery around circulation routes. This matter has again been raised by the Parish Council and Councillor Cottee in their responses. Dust control measures are present under the existing site permission and further controls are imposed on the Biomass Plant application. Therefore, although the application is not proposing any processing operations in the extended site area, there is the potential for windblown dust from the deposit, storage and movement of unprocessed waste wood in the area. Accordingly a condition requiring the control of dust on operations is considered prudent in line with the requirements of WLP Policy W3.10 – Dust.
74. In addition to the above, the application states that the surface waters retained in the bunded area will be used for dust suppression on the site and so the surface water management plan required in accordance with WLP Policies W3.7 and W3.13 will include appropriate use for dust suppression. This surface water management plan is therefore considered relevant to WLP Policy W3.10.

75. The application does not propose any change to the permitted (existing and proposed) HGV movements and so WLP Policies W3.14 and W3.15 are not considered relevant to this application. The proposals would not prevent the site from operating a circulatory route for HGVs included as part of the Biomass Plant permission so as to prevent the queuing of HGVs on the A46.

### **Other Options Considered**

76. The County Council has considered initiating enforcement action against the unauthorised construction of the storage yard and soil storage bunds. However in consideration of the purpose of this particular development, it was considered expedient to request a planning application to be submitted to regularise the unauthorised development. The County Council considered there was a reasonable chance that the application could be approved.
77. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.

### **Departure from the development plan**

78. The application was advertised as a departure from the development plan as the application site is designated as being 'open countryside' in the Rushcliffe Local Plan. However, it is accepted that the proposals relate to an extension of an established industrial site and so no further consideration on this matter is required.

### **Statutory and Policy Implications**

79. 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

80. The development is for an extension to an existing operational site for the purposes of storage of waste wood. There are not considered to be any additional crime and disorder implications arising from this relatively small extension.

#### Human Rights Implications

81. 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) and Article 1 of the First Protocol (Protection of Property) are those to be considered. In this case, however, there are no impacts of any substance on individuals which have not been addressed through the consideration of the

planning application and therefore no interference with rights safeguarded under these articles

#### Implications for Sustainability and the Environment

- 82. These are considered in the Observations section above.
- 83. There are no service user, financial, equalities, human resource, or safeguarding of children implications.

#### **Conclusions**

- 84. Despite the proposals being for a relatively minor extension to the site area, it has raised a significant number of issues which have required consideration as part of the assessment of this application. The question of whether to recommend approval or refusal requires a balance of the assessment of need for the development and the benefits delivered in terms of the better management of waste in accordance with the waste hierarchy, against the impacts on flooding, the impacts on a listed building and the impact of further development in the open countryside. In addition to this, the material consideration of the Biomass Plant has meant that the planning merits of the proposals need to be considered in light of two possible scenarios.
- 85. The applicant has demonstrated that there is sufficient need for the development in terms allowing greater flexibility in the management of waste wood material on the site. It is accepted that the storage yard extension would deliver benefits to the way material is handled on the site both for current site operations and those which would exist with the Biomass Plant in operation. The construction of an appropriately engineered storage area would prevent further unauthorised encroachment beyond the site area during times when recycled wood markets decline.
- 86. The application has demonstrated that routine maintenance, plant breakdown at sites further up the chain or changes to licencing and permitting regimes does and will continue to result in a backlog of material at recycling sites which cannot be simply passed back down the supply chain. Businesses still require waste material to be collected, Household Waste Recycling Centres still require waste to be taken and so it is not a case that the operator can simply stop these waste streams coming into the site. Therefore during such times, the application would allow an area for unprocessed waste wood to be stockpiled until market conditions allow its movement into further processes.
- 87. The County Council's Landscape Officer considers that the landscape and visual impact of these developments would not be significant and can further be mitigated by planting works which the applicant is willing to provide. Cumulative landscape impacts have been addressed separately as part of the Biomass Plant and so are not considered relevant to these applications, although the Biomass Plant would provide clear benefit in terms of the long

term management of any planting works carried out as part of these permissions.

88. The impacts on flooding arising from the construction of the waste wood storage yard and screening bunds has been addressed through the preparation and submission of the flood compensation scheme which ensures there is no overall loss of flood storage in the area. The Environment Agency is satisfied that there will now be no impact on flooding as a result of the development and there will be no impacts from contaminated water leaving the site and entering into the adjacent water course.
89. Planning conditions would require the timely implementation of the permission so that the current unauthorised development (i.e. the retrospective element) is mitigated through the completion of the flood compensation scheme. Alternatively the planning conditions would require the restoration and reinstatement of the land so that the injurious development is removed.
90. Given the above, it is considered that the benefits that would derive from the proposed scheme would outweigh the impacts it would have on the open countryside, the setting of the listed building, the landscape and visual impacts and flooding impacts arising from the development.
91. All other matters relevant to this application, such as noise and dust have been assessed and it is considered that there would be no unacceptable impacts subject to appropriate conditions.

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

92. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan policies in the Nottinghamshire and Nottingham Waste Core Strategy, saved policies in the Nottinghamshire and Nottingham Waste Local Plan, and the Rushcliffe Non-Statutory Replacement Local Plan; the National Planning Policy Framework, the Waste Management Plan for England (2013), and Planning Policy Statement 10: Planning for Sustainable Waste Management. The Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, and have been addressed through negotiation and acceptable amendments to the proposals. These issues relate to the need for the development and the impact of the development on the flood plain. An additional planning application has been secured to make the development acceptable in terms of its impact on flooding which has been considered in conjunction. The applicant has been given advance sight of the draft planning conditions and been advised of the details that will need to be submitted under planning condition; this approach has been in accordance with the requirement set out in the National Planning Policy Framework.



## **RECOMMENDATIONS**

It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for both application ref. 8/14/00380/CMA for the creation of the wood storage yard and application ref. 8/14/00610/CMA for a flood compensation area, subject to the conditions set out in Appendix 1 of this report. 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 Service**

## **Constitutional Comments**

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 05/06/2014]

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

Text to be entered here

[Initials and date here in square brackets]

## **Background Papers Available for Inspection**

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

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

Councillor John Cottee

Keyworth

Report Author / Case Officer

Julian Hawley

0115 9696504

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



offrep.doc – W001255  
PSP.JS/RH/ep5185 – COMMITTEE REPORT FOLDER REFERENCE  
22 June 2009 – Date Report Completed by WP Operators

## RECOMMENDED PLANNING CONDITIONS

**Planning Application ref. 8/14/00380/CMA** - creation of additional yard area for waste wood storage and erection of screening bund (partly in retrospect) adjacent existing wood recycling yard.

1. This permission is for the retention of and formation of a hardstanding for the purposes of unprocessed wood storage, and the retention of and formation of soil storage bunds. The remaining elements of the development hereby permitted shall be begun within 1 year from the date of this permission. In the event that no further works take place on the development within 1 year of the date of permission, a scheme of restoration to remove the unacceptable development within the floodplain shall be submitted in accordance with the requirements of Condition 12 below.

*Reason: To define the scope of the permission, to comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to minimise the risk of flooding in accordance with Policies W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan*

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

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

3. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- (a) Planning application forms and Design and Access Statement ref. 2591-189-JBS-PS-v1.1 Statement received by the WPA on 22 November 2013.
- (b) Drawing No. 2591/189/03 titled 'Proposed Layout Plan' received by the WPA on 25 June 2013.
- (c) Drawing No. 2591/189/04 titled 'Bund Cross Sections' received by the WPA on 25 June 2013.

- (d) Revised Flood Risk Assessment v.1.5 received by the WPA on 22 November 2013

*Reason: For the avoidance of doubt*

4. No further development shall take place until a scheme setting out a timetable for the implementation and construction of the Flood Compensation Scheme permitted under Planning Permission reference 8/14/00610/CMA has been submitted to and approved in writing to the WPA. The scheme shall provide for the construction of the Flood Compensation Area prior to the commencement of construction, or in conjunction with the construction of the waste wood storage yard hereby permitted. The scheme shall thereafter be implemented in accordance with the approved details.

*Reason: to ensure that the development does not give rise to unacceptable impacts on flooding and to accord with the requirements of Policies W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan WLP.*

5. Prior to the commencement of the development hereby permitted, a scheme for the storage, collection, use or disposal of surface waters within the site shall be submitted for approval in writing by the WPA. The scheme shall detail measures to ensure the timely collection and appropriate storage of collected water and its use in the wood processing operation for dust suppression. The scheme shall thereafter be implemented in accordance with the approved details.

*Reason: to ensure the development is in compliance with Policy W3.5, W3.13 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

6. Only unprocessed waste wood shall be stored on the waste wood storage yard shown on drawing no. 2591/189/03 titled 'Proposed Layout Plan' received by the WPA on 25 June 2013. Stockpiles of waste wood shall not exceed 4m in height as measured from the engineered surface of the storage yard.

*Reason: In the interest of visual amenity in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

7. No fuels oils or chemicals shall be stored on the waste wood storage yard shown on drawing no. 2591/189/03 titled 'Proposed Layout Plan' received by the WPA on 25 June 2013.

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

8. 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, the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays Bank/ Public Holidays
Construction works associated with the waste wood storage yard	7am to 7pm	7am to 12pm	Not at all
Operation of plant and machinery associated with wood storage and recycling activities	8am to 6pm	9am to 5pm	Not at all

*Reason: In the interests of amenity of nearby occupiers and in compliance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. All plant, machinery and vehicles operating within the site shall incorporate noise abatement measures and be fitted with silencers and 'white noise' reversing warning devices maintained in accordance with the manufacturers' recommendations and specifications at all times to minimise any disturbance to the satisfaction of the WPA.

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

10. Measures shall be taken to ensure that no dust is allowed to leave the application site by virtue of operations. Such measures shall include, but not be restricted to:

- (a) The use of water bowsers, sprays and vapour masts to dampen haul roads and other operational areas of the site;
- (b) The sweeping of access and haul roads and storage site areas, where necessary;
- (c) The minimisation of drop heights during loading and unloading of unprocessed waste wood;
- (d) Provisions for the temporary suspension of operations during periods of unfavourably dry or windy weather conditions;
- (e) In the event that these measures fail to provide satisfactory dust mitigation then the operator shall prepare and submit for approval in writing a supplementary dust mitigation action plan to address dust emissions within 1 month of a written request from the WPA. The site shall thereafter

be operated in compliance with the supplementary dust mitigation strategy approved in writing by the WPA.

*Reason: To minimise dust disturbance at the site and to ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

11. Within 3 months of the date of commencement as notified under Condition 2 above, a landscaping scheme for the soil storage mounds detailed on drawing no. 2591/189/03 titled 'Proposed Layout Plan' shall be submitted for written approval by the WPA. The scheme shall broadly accord with drawing no, LL95.02 Rev B - Landscape Masterplan, received by the WPA on 20 March 2014 and shall include numbers; species (which shall be native species, appropriate to the local area, of native genetic origin and ideally of local provenance (seed zone 402)); proportions density and the sowing of wildflower areas where appropriate. The scheme shall also include an aftercare and maintenance programme to ensure the successful establishment of planting for a period of 5 years. The approved scheme shall thereafter be implemented in the first available planting and sowing season following its approval in writing by the WPA.

*Reason: In the interest of visual amenity and to lessen the impact on the setting of a listed building in accordance with Policy W3.4 and Policy W3.28 of the Nottinghamshire and Nottingham Waste Local Plan.*

12. In the event that no further works take place on the development within the timescales detailed under Condition 1 above, the applicant shall, within 2 weeks of a written request from the WPA, submit a scheme of restoration and reinstatement of the land subject to this planning permission back to agriculture. The restoration scheme shall be implemented within 1 month of written approval.

*Reason: To minimise the risk of flooding in accordance with Policies W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan*

## RECOMMENDED PLANNING CONDITIONS

**Planning Application ref. 8/14/00610/CMA** - creation of flood compensation scheme.

1. The development hereby permitted shall be begun within 1 year 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. This permission is for the construction of a Flood Compensation Scheme associated with Planning Permission reference 8/14/00380/CMA to mitigate the loss of flood storage capacity caused by the formation of soil storage mounds in the flood plain.

*Reason: To define the scope of the permission and for the avoidance of doubt*

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

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

4. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- a) Planning application forms and Design and Access Statement ref. 2591-189-JBS-PS-v1.0 Statement received by the WPA on 18 March 2014.
- b) Drawing No. 2591/189/09 titled "Flood Compensation Scheme" received by the WPA on 18 March 2014.
- c) Revised Flood Risk Assessment v.1.5 received by the WPA on 18 March 2014.

*Reason: For the avoidance of doubt.*

5. No development shall commence until a scheme setting out the proposed method of construction of the Flood Compensation Scheme has been submitted to and approved in writing by the WPA. The scheme shall include
- a) Details of any construction materials to be used,
  - b) The specification for the outfall pipework,
  - c) Construction details of the headwall outfall into the water course,
  - d) Landscaping details for the seeding of the scrape banks, and a timescale for its implementation
  - e) The method of construction in proximity to existing vegetation in accordance with British Standard BS 5837:2012. Trees in relation to design, demolition and construction.

The development shall thereafter be carried out in accordance with the approved details.

*Reason: To ensure that the scheme is appropriately constructed, landscaped and to protect existing mature vegetation in accordance with the requirements of Policies W3.4, W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan.*

6. 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), no construction works shall take place except between the following hours 7am to 7pm Monday to Friday and 7am to 12pm Saturdays and at no times Sundays, Bank or Public Holidays

*Reason: In the interests of amenity of nearby occupiers and in compliance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

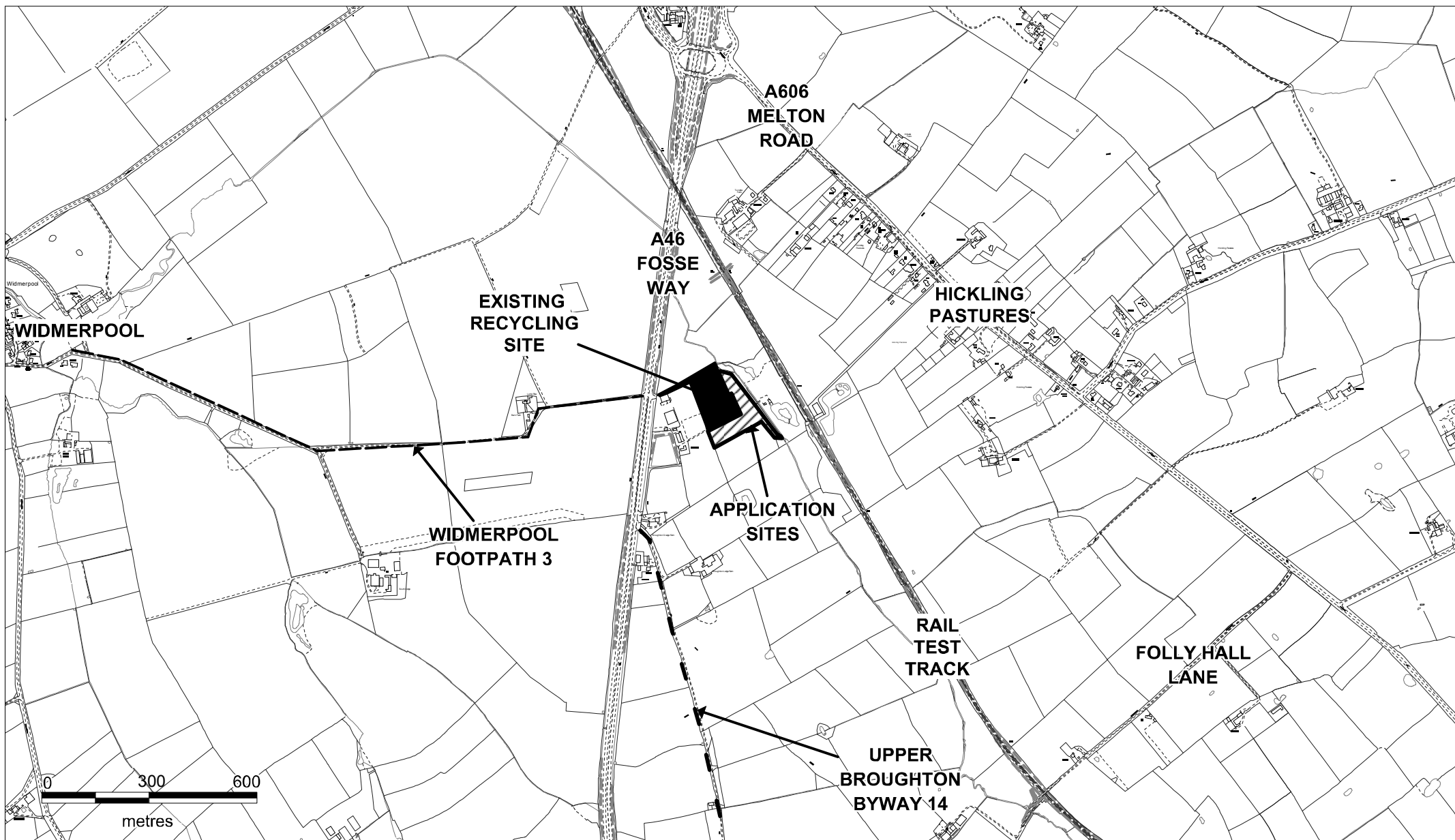
7. The Flood Compensation Area detailed on drawing no. 2591/189/09 titled 'Flood Compensation Scheme' received by the WPA on 18 March 2014 and the Revised Flood Risk Assessment v.1.5 received by the WPA on 18 March 2014 shall be maintained in perpetuity in accordance with the approved details and in association with Planning Permission 8/14/00380/CMA.

*Reason: to ensure that the development does not give rise to unacceptable impacts on flooding and to accord with the requirements of Policies W3.5 and W3.13 of the Nottingham and Nottinghamshire Local Plan.*



**Informatives/notes to applicants**

1. Your attention is drawn to the Standing Advice from The Coal Authority dated 1 January 2013 set out below.



**Nottinghamshire  
County Council**

**APPLICATION No. 8/14/00380/CMA - CREATION OF ADDITIONAL YARD AREA FOR WASTE WOOD STORAGE AND ERECTION OF SCREENING BUND (PARTLY IN RETROSPECT)**

**APPLICATION No. 8/14/00610/CMA - CREATION OF FLOOD COMPENSATION SCHEME.**

**JOHN BROOKE (SAWMILLS) LTD, BROUGHTON GRANGE, FOSSE WAY, WIDMERPOOL**

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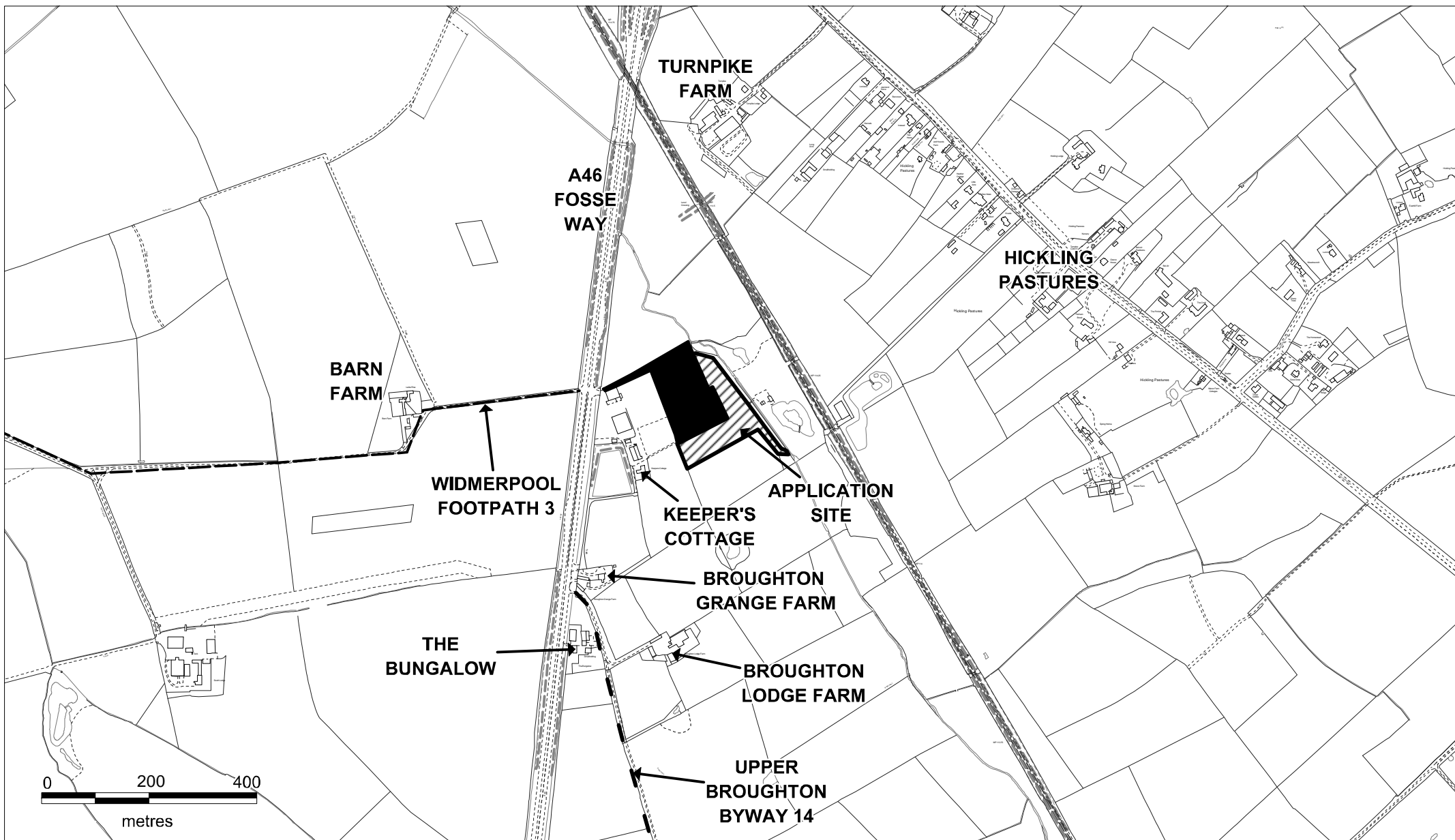
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Date: JUNE 2014

**PLAN 1**





**Nottinghamshire  
County Council**

**APPLICATION No. 8/14/00380/CMA - CREATION OF ADDITIONAL YARD AREA FOR WASTE WOOD STORAGE AND ERECTION OF SCREENING BUND (PARTLY IN RETROSPECT)**

**APPLICATION No. 8/14/00610/CMA - CREATION OF FLOOD COMPENSATION SCHEME.**

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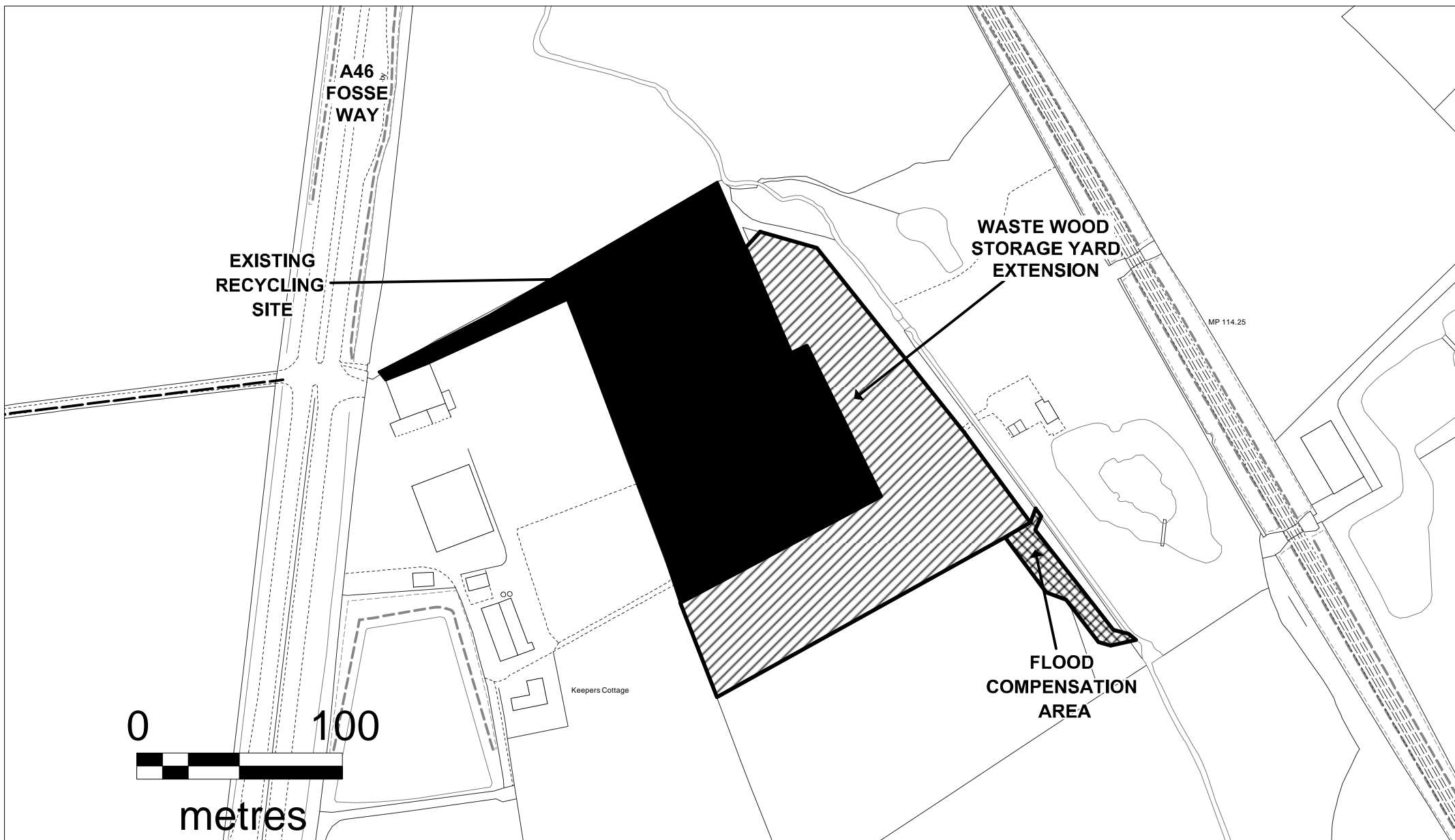
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Date: JUNE 2014

**PLAN 2**





**Nottinghamshire  
County Council**

**APPLICATION No. 8/14/00380/CMA - CREATION OF ADDITIONAL YARD AREA FOR WASTE WOOD STORAGE AND ERECTION OF SCREENING BUND (PARTLY IN RETROSPECT)**

**APPLICATION No. 8/14/00610/CMA - CREATION OF FLOOD COMPENSATION SCHEME.**

**JOHN BROOKE (SAWMILLS) LTD, BROUGHTON GRANGE, FOSSE WAY, WIDMERPOOL**

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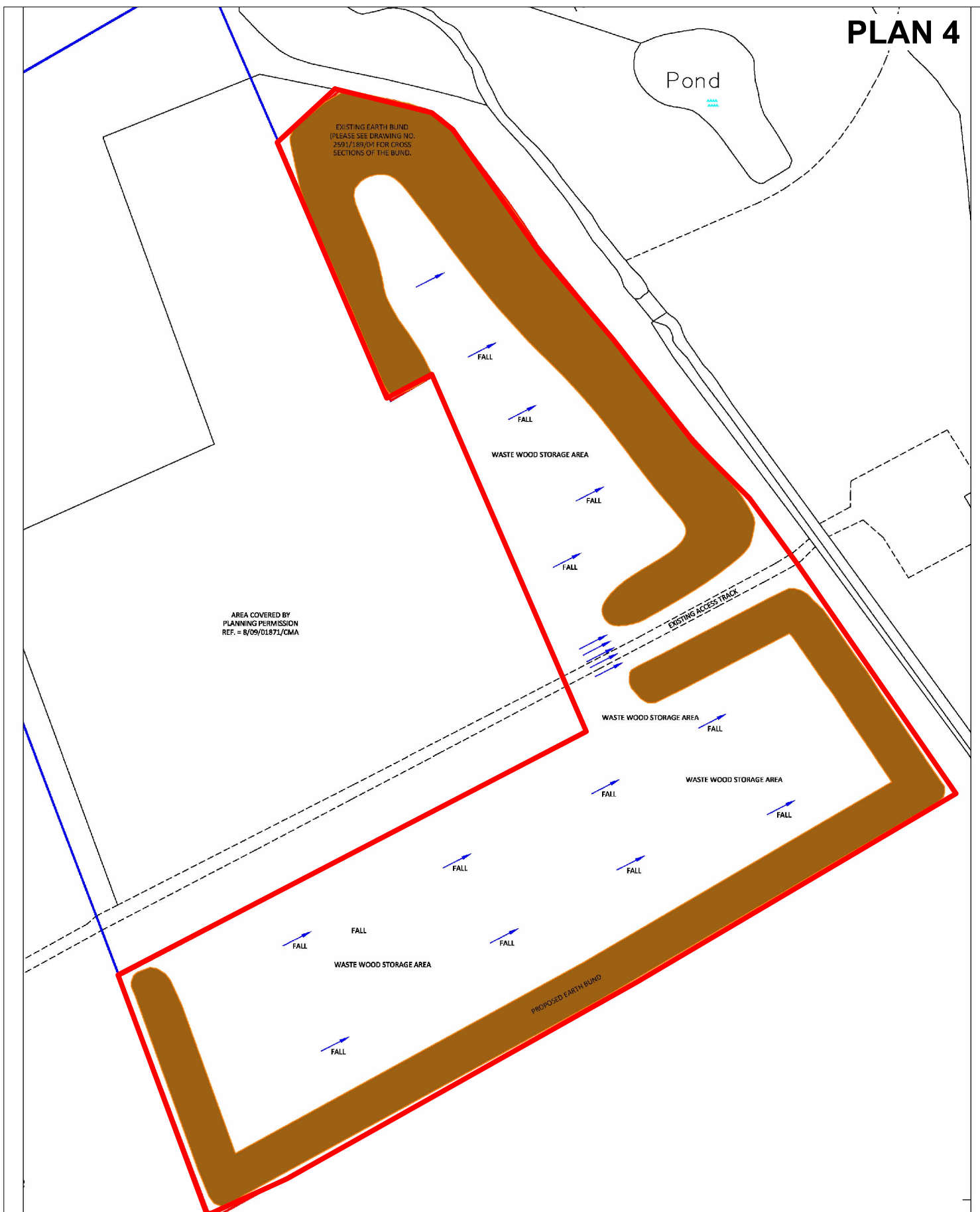
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Date: JUNE 2014

**PLAN 3**







 <p><b>Nottinghamshire County Council</b></p>	<p><b>APPLICATION No. 8/14/00380/CMA - CREATION OF ADDITIONAL YARD AREA FOR WASTE WOOD STORAGE AND ERECTION OF SCREENING BUND (PARTLY IN RETROSPECT)</b></p> <p><b>APPLICATION No. 8/14/00610/CMA - CREATION OF FLOOD COMPENSATION SCHEME.</b></p> <p><b>JOHN BROOKE (SALVAGE) LTD, BRIDLETON GRANGE, FOSSE WAY, WIDMERPOOL</b></p> <p><b>Page 101 of 158</b></p> <p><small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (1000019713) (2014)</small></p>	 <p>Scale NTS Produced by: JH Date: JUNE 2014</p>
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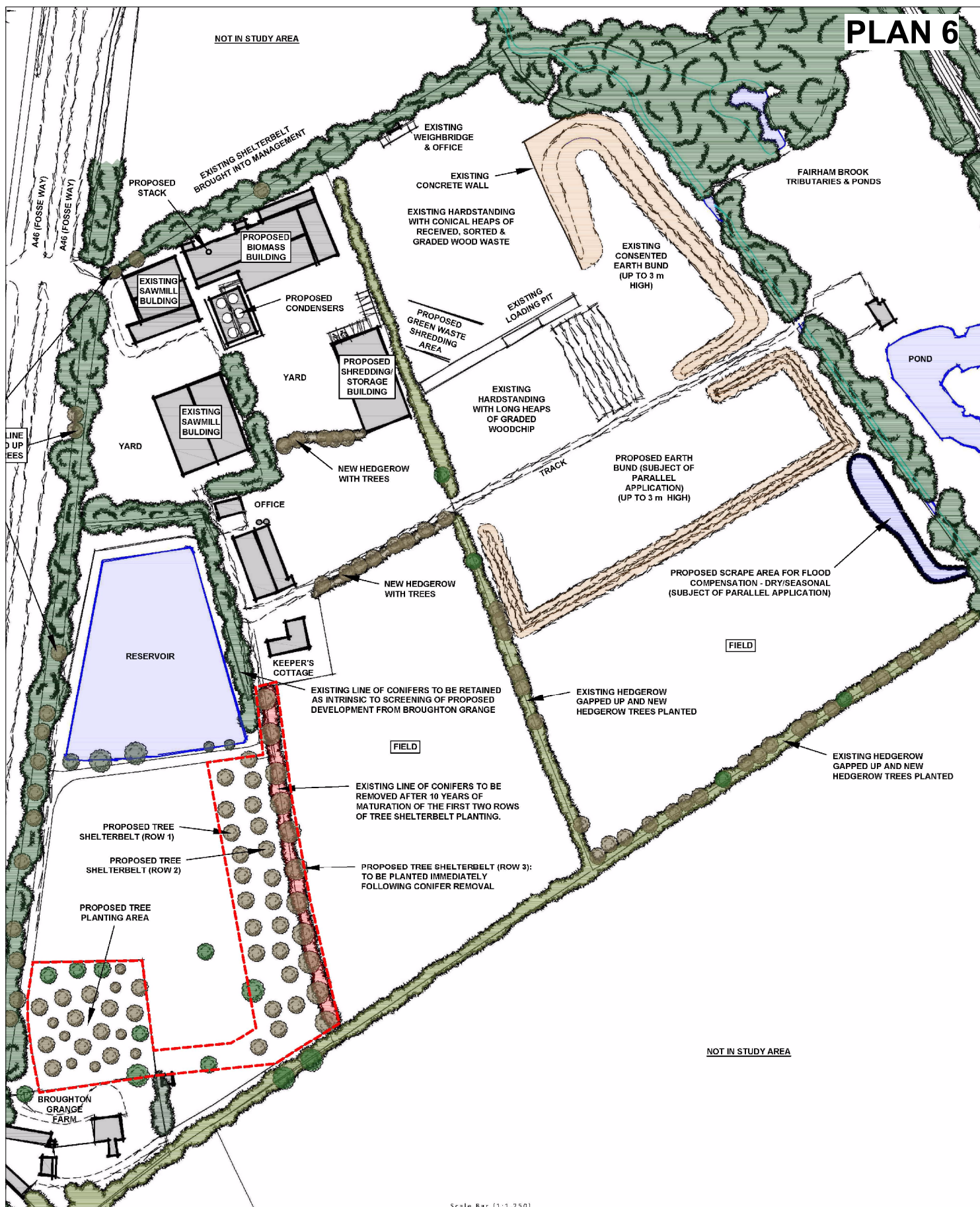




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**17 June 2014****Agenda Item:8****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****RUSHCLIFFE DISTRICT REF. NO.: 8/14/00611/CTY****PROPOSAL: PROVISION OF A SINGLE MODULAR BUILDING FOR USE AS A DAY  
CARE/PRE SCHOOL NURSERY FACILITY****LOCATION: CROPWELL BISHOP PRIMARY SCHOOL, STOCKWELL LANE,  
CROPWELL BISHOP****APPLICANT: CROPWELL BISHOP PRIMARY SCHOOL****Purpose of Report**

1. To consider a planning application for a replacement modular building for use as a day care/pre-school nursery facility, on an area of previously developed land to the north of the main CLASP building at Cropwell Bishop Primary School, Stockwell Lane, Cropwell Bishop. The key issues relate to the appropriateness of the development in the Green Belt, visual amenity impacts, general impacts on residential amenity and traffic impacts on adjacent occupiers including a sheltered housing complex. As the site lies within the Green Belt, the proposal has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to conditions, as set out in Appendix 1.

**The Site and Surroundings**

2. Cropwell Bishop Primary School is situated towards the eastern edge of Cropwell Bishop Village, at the north-eastern end of a narrow private access road off Stockwell Lane. The site's western boundary abuts residential development on Springfield Close, and a further single residential property (Springfield House) abuts part of the southern boundary to the site (see Plan 1).
3. Together with the school, several residential properties, including Springfield House, are accessed off the narrow access road leading off Stockwell Lane.
4. Residential development to the west of the site on Springfield Close includes a retirement/sheltered housing complex (Rawlings Court) situated on the western side of the cul de sac.

5. Further residential development lies to the south-west of the site within Stockwell Lane. Agricultural fields lie to the east and north of the site, and further fields abut part of the site's southern boundary, beyond which lies residential development within Dobbin Close and Fern Road.
6. To the west of Springfield Close and Stockwell Lane lies Church Street, which contains a mix of residential development, retail outlets, a church and a public house (The Chequers).
7. The school is situated towards the edge of the developed envelope of Cropwell Bishop Village, within the main built-up area of the settlement. The site itself is washed over by the Nottingham-Derby Green Belt.
8. The main buildings of the school occupy the western part of the campus, comprising a single storey CLASP style building, made up of a series of rectangular and square classroom blocks and link corridors. The building is partially clad in hanging clay tiles, and is of brick built and flat-roofed construction. The school buildings are situated adjacent to the school car park, which lies to the immediate south, with vehicular access being gained off Stockwell Lane via the private access road. The car park has historically served both the school and a playgroup/pre-school facility. There is a hard play area to the east of the most southerly classroom block, and extensive school playing fields occupy the eastern part of the campus.
9. A public footpath extends from the school entrance, running firstly in a westerly direction and then in a northerly direction before linking into Springfield Close. Pedestrian access to the school site is gained off Springfield Close via the public footpath and off Stockwell Lane via the private access road.
10. The application relates to an area of unrestored land to the immediate north of the main school building, which is presently unoccupied following the removal of a former portable building, which previously occupied this parcel of land. There is a mix of mature hedgerow and trees to the site's northern boundary, with the boundary treatment comprising hedge and close boarded wooden fencing along the western boundary to the site.
11. The site of the proposed replacement building does not form part of the school playing fields, and was originally an area of amenity grass.

### **Relevant Site History and Background**

12. The application relates to an established day care/pre-school facility, which has historically operated on the school site for some ten years, and which has benefited from several successive planning permissions granted by Rushcliffe Borough Council. An external provider, Cropwell Bishop Pre-School Playgroup, delivered this service up until Autumn 2013.
13. Planning permission (Plg. Ref. 03/01322/FUL) was originally granted in December 2003 to the then external provider Cropwell Bishop Playgroup for the erection of a portable building, with outdoor play area, for use as a playgroup. This was subject to a number of planning conditions including controls over hours of use, to protect the amenities of neighbouring

dwelling, with the permitted opening hours being 0900 hrs to 1200 hrs Mondays through to Thursdays, 0900 hrs to 1530 hrs on Fridays, and no Saturday, Sunday or Bank Holiday use.

14. Other controls over the development included the building being used for no more than twenty children at any one time, and a temporary use of the building, with planning permission expiring on 31 December 2008.
15. In terms of its dimensions, the permitted 4 bay modular building, had a footprint of 115.20 sq.m. (12.0m by 9.6m) and was to a maximum ridge height of 3.66m. The overall volume of the building was 421.63 cubic metres.
16. In October 2004, planning permission (Plg. Ref. 04/01365/VAR) was granted to vary Conditions 4 and 5 on planning permission 03/01322/FUL to allow the building to open between 0900 hrs and 1530 hrs Mondays to Fridays and for an increase in the number of children attending the playgroup, from twenty to twenty-four.
17. Attached to the decision notice, a note to the applicant advised the playgroup to produce, with the support of the County Council and in conjunction with the existing school, a Travel Plan in order to limit the number of car journeys to the site by staff and parents.
18. In October 2005, permission (Plg. Ref. 05/01085/FUL) was granted for the retention of the above building for use as a playgroup, and storage building, with a verandah and access ramp.
19. Two further planning permissions (Plg. Ref. 07/02110/VAR and 12/00491/VAR) were granted in December 2007 and May 2012 respectively, to vary Condition 3 (hours of operation) on the 2005 permission. The 2007 permission allowed the building to be used as an out of school club six times per year, between the hours of 0800 hrs and 0900 hrs and 1530 hrs and 1800 hrs; and to be used for committee meetings one hour per month, and open days and fundraising days six days per year.
20. The 2012 permission allowed the building to extend its hours of opening for the provision of a breakfast and after school club, delivered between the hours of 0730 hrs to 0900 hrs, and 1530 hrs to 1800 hrs Mondays through to Fridays. This use was restricted to term times only.
21. The 2007 decision notice made reference to the extended hours being acceptable, in terms of the amenity of surrounding residents. However, under the notes to applicant, an Informative was attached stating that parents and employees should not park on Springfield Close.
22. The occasional use of the modular building by Cropwell Bishop Primary School's out of school club was established under the 2007 permission. Supporting information, submitted as part of the planning application, indicated that an extension on the use of the building to include out of school provision would support the school in terms of complying with government policy for providing wrap-around care. It would provide alternative accommodation at times, such as on parents evenings, when

space for the wrap-around care would not be available within the school. After consideration of alternative provision, the use of the playgroup building was determined to be the only acceptable option in order to allow the out of school care to operate effectively.

23. Over recent years, two external providers have delivered the two provisions, involving a playgroup operated from the modular building, and the pre-and after-school provision delivered from both the modular and main school buildings. The playgroup facility, delivered between the hours of 0850 hrs and 1530 hrs Mondays to Fridays within the modular building, has catered for up to twenty-four children in line with the relevant planning permissions. The breakfast and after-school clubs have been delivered jointly by both providers, operating from the modular and main school buildings, catering for some forty children split across both buildings.

### **The Proposed Development**

24. The application seeks planning permission for the provision of a single classroom modular building for use as a day care/pre-school nursery facility, and wrap-around care for the existing primary school. The building would replace a previously erected temporary portable type structure with a cedar clad modular building, of permanent construction, on the footprint of the former modular unit.
25. The proposed facility would continue to provide pre-school and wrap-around care as well as breakfast, after-school and holiday clubs. However, whilst the daily hours of use would remain unchanged at 0730 hrs to 1800 hrs Mondays through to Fridays, it is proposed to extend the out of school club use to an all year round provision, including throughout the school holidays, rather than on an occasional basis that has existed to date. The restrictions would remain in place with regards to weekends and Bank and Public Holidays.
26. The facility would cater for the school's pupils from the age of two to eleven year olds. It is proposed that twenty-four children would continue to use the facility.
27. The only extra provision being sought under these proposals is the use of the modular building throughout the school holidays for the provision of a holiday club, rather than this provision being run on an occasional basis (up to six times a year) as permitted to date. This would continue to cater for no more than twenty-four children at any one time, and four members of staff.
28. The proposed development would have a footprint of 140.3sq.m.(12.2m by 11.5m), and comprise a nursery, with a dedicated sleep room, a lobby, office, kitchen and separate standard and accessible w.c. provision. The overall volume of the proposed modular building would be 448.96 cubic metres.
29. The building would be of a lightweight steel frame and insulated modular shell construction, to a maximum ridge height of 3.4m, with a slight incline to the roof (see Plan 2). Externally the structure would be clad in a cedar

timber finish, with a single ply membrane roof. Other external features would include UPVC double glazed windows, and aluminium doors. All fascias and soffits would be polyester coated to match existing materials to the main CLASP building. The development would incorporate a low energy lighting system.

30. Internally level thresholds would be provided throughout the building to all doorways for disabled access, including a level threshold to the outside circulatory space and playground.
31. The proposed building, as a replacement structure, would re-use existing utility and service connections.
32. The proposals would not include the loss of any hard or soft landscaping, as it is simply a 'like-for-like' replacement facility, in terms of the physical structure, with the proposed modular building occupying the footprint of the original structure.
33. The construction phase would take approximately two months, comprising groundworks which would take some three weeks, with a further five weeks to install and prepare the building.
34. The building would be constructed off-site to reduce site disruption and disturbance, and is designed in accordance with the County Council's S3 design principles that have been used on a number of Basic Needs schemes across the county over the last few years. S3 is a modular design process, which allows the use of off-site volumetric construction principles. This provides for a permanent structure with a long life, but is lightweight and would reduce the site activities to a minimum and enhance the quality of build by allowing the majority of works to be undertaken off-site under factory conditions.
35. By virtue of its modern innovative design, the new structure would have the appearance of a conventional construction with a suitable life-span. Based on its various construction and design attributes, and long life-span, it is considered appropriate to treat this as a permanent building.

## Consultations

36. **Rushcliffe Borough Council** *raises no objection to the development subject to planning conditions controlling materials in accordance with those specified in the application, and the development being carried out in accordance with the submitted plan Reference CSA-T217-SK.05 D, to ensure compliance with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and for the avoidance of doubt.*
37. **Cropwell Bishop Parish Council** *raises no objection to the planning application.*
38. **Sport England** *does not wish to make comment on the planning application.*



39. **Police Force Architectural Liaison Officer** raises no concerns with regards to the proposals, having viewed the proposals and examined the crime and disorder history for these premises.
40. **NCC (Highways) Rushcliffe** raises no objections to the proposal, given that the building replaces a facility which previously existed on the site. This is a like-for-like replacement where the number of staff and children would be the same as that previously catered for.
41. Attention has been drawn to the fact that had the applicant intended to increase the number of children catered for and associated staff then the Highway Authority would require further supporting evidence to be provided to ensure that the existing facilities on site are adequate in terms of parking and that the surrounding roads would not be adversely affected by the development.
42. The applicant has confirmed that the modular building would continue to cater for no more than twenty-four children at any one time, and that staffing levels would remain unchanged.
43. **NCC (Road Safety)** raises no objections to the proposal as there are no changes to the current provision at the school and given that this is a replacement building.
44. **National Grid (Gas), Severn Trent Water Limited and Western Power Distribution** have made no response. Any responses received will be orally reported.

## **Publicity**

45. The application has been publicised by means of a site notice, press notice and neighbour notification letters have been sent to the nearest occupiers in Springfield Close, Stockwell Lane and Church Street, including the Chequers Public House, in accordance with the County Council's adopted Statement of Community Involvement. Seven letters of representation have been received from six separate households on Springfield Close and the private access road off Stockwell Lane, raising objections to the development on the following grounds:
- (a) Problems of increased traffic congestion, with the extra volume of traffic associated with the proposed nursery only serving to create a parking problem on Stockwell Lane, Fern Road and Church Street, as well as exacerbating existing problems of traffic congestion and inappropriate parent parking along Springfield Close;
  - (b) access along Springfield Close is already compromised, with traffic blocking driveways and a turning area, which is used by ambulances, fire engines and delivery vehicles accessing a warden aided complex for older people;
  - (c) traffic impacts currently associated with term-time only, would occur throughout the year if the proposals go ahead;

- (d) safety issues for pedestrians walking their children to school;
  - (e) as the school is expanding, it has a duty to provide a safe environment in which children can be dropped off, and to prevent further traffic impacts for local residents;
  - (f) vehicle access to Springfield Close should be restricted, as the Chequers Public House on Church Street is agreeable for parents to use its car park during school drop-off and pick-up times, and it is a very short walk to the school;
  - (g) contrary to the information shown on the application, parents do not generally use public transport to bring their children to school, but deliver them by car;
  - (h) general disturbance during the construction phase, particularly in terms of noise and traffic impacts, and the inconvenience of the previous building being taken down, and only a few months later another building being erected;
  - (i) whilst access along the private road has been given to the school, it does not mean that other occupiers should not be given consideration;
  - (j) concern that a very good playgroup with an excellent OFSTED report, with purpose built modular building and paid for by the playgroup, on land leased from the school has not had its lease renewed;
  - (k) given the cutbacks, it is questioned where the funding is coming from for this project;
  - (l) given the number of children using the 'wrap-around care' it cannot be a viable proposition, unless the playgroup provided in the Methodist Chapel closes.
46. Two objections have subsequently been withdrawn following on from a constructive meeting with representatives of the school. It is understood that the school is now working with local residents, to resolve the parking issues on Springfield Close.
47. Councillor Richard Butler has been notified of the application, and has no objections to make to the planning application.
48. The issues raised are considered in the Observations Section of this report.

## **Observations**

### **Introduction**

49. Cropwell Bishop Primary School is seeking to replace a temporary building that was on the school site up until Autumn 2013, and retain an established use on the site for the provision of extended school services delivered in a stand-alone modular building. The proposed building would be used to provide the school with additional classroom and resource space,

incorporating pre-school and wrap-around care, as well as breakfast, after-school and holiday clubs.

50. The school has provided a day care and wrap-around extended school services provision for a number of years, delivered across the main school building and a stand-alone modular building, with the provision being provided by two third party specialist providers.
51. The school has recently decided to fund the provision of a new building to enable it to control the service provision in the future.
52. In terms of assessing the proposed application under consideration in this report, the main issues relate to the impacts of the development on the visual amenity and character of the open Green Belt; and the impact on the residential amenities of neighbouring properties, particularly in relation to the potential for increased traffic impacts.
53. Reference is now made to those material considerations relevant to the determination of this planning application.

#### Planning policy considerations

54. In national planning policy terms, the proposed development is given due consideration in light of the National Planning Policy Framework (March 2012) (NPPF).
55. Overarching policy direction is set out in Section 8 of the NPPF '*Promoting Healthy Communities*' paragraph 72, which attaches importance to the need to create, expand or alter schools, supporting development that would widen choice in education for the local community and offering weight to the proposal under consideration in this planning application.
56. The NPPF sets out the national policy approach towards development, giving guidance as to the degree of weight that should be afforded local plans since its publication. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies are to the Framework, the greater the weight that may be given)'.
57. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise, and for the purposes of this application, the proposal has been assessed against key policies in the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006) (RLP).

#### Green Belt Policy considerations

58. The proposal has been assessed in terms of national and local Green Belt policy, given the site's Green Belt location. National guidance on Green Belt policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF, whilst local Green Belt policy is set out under Policy EN14 of the RLP. The overarching aim of the Green Belt policy is to prevent urban

sprawl, with the aim of preserving the openness and the permanence of the Green Belt.

59. Land-use designations within the Rushcliffe area are defined by the RLP Proposals Map, and within this context, the application site is identified as being located within the local Green Belt and therefore not identified for development. RLP Policy EN14 states that *'within the Green Belt as defined on the Proposals Map planning permission will only be granted for appropriate development for the following purposes:*
- a) Agriculture and forestry;*
  - b) For other uses which preserve the openness of the Green Belt, including essential facilities for outdoor sport and recreation and for cemeteries;*
  - c) Alteration and limited extension or replacement of existing dwellings;*
  - d) Limited residential infilling in existing settlements within the Green Belt'.*
60. Under the criteria set out under Policy EN14, the proposed modular building is not identified as being 'appropriate development' within the Green Belt. In the context of RLP Green Belt policy, the development must therefore be considered as 'inappropriate development', and as such, the proposal has been treated as a 'departure' from the development plan.
61. National Green Belt policy is a relevant material consideration in terms of determining this application. The NPPF establishes a similar approach to the RLP in terms of listing appropriate forms of development in the Green Belt, but under paragraph 89 has extended its definition of 'appropriate' Green Belt development to include *'the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces'*.
62. In line with this policy direction, the proposed new building would be located within the footprint of the former building, and would be used for the same purpose, in terms of providing an early learning facility and extended school services and wrap-around care. Essentially the new element would not be materially larger than the previous structure, in terms of the overall scale or massing of the building. The building has been designed to reflect its Green Belt location, in terms of the relatively low-level character of the development, and its continued grouping with the other built development on the site. The proposal has sought to broadly replicate the previous facility, and would continue to provide a single classroom modular building, albeit of permanent construction, which has previously been established as being acceptable development in this part of the Green Belt.
63. Appropriate development is by definition not harmful to the Green Belt. In this respect, the development would have the same characteristics as the previously permitted building and would not result in any greater impact on the openness of the Green Belt and the purposes of including land within it, than the previously approved development. The proposed building would be in the same use and not materially larger than the building it would

replace. As such, the proposal would not be harmful to the Green Belt, and by definition would not be inappropriate development.

64. It is noted that the NPPF dictates that any relevant policies in existing development plans should be weighted according to their degree of consistency with the Framework. In this case, there is some inconsistency between what is deemed 'appropriate' Green Belt development, as established under the criteria based Policy EN14 of the RLP, and that set out in the NPPF. Therefore, in accordance with national policy, the NPPF's definition, which is material in terms of determining this planning application, has been given due weight, and within this context, the proposal constitutes 'appropriate' Green Belt development.
65. Whilst the proposal cannot meet RLP Policy EN14, material considerations in terms of its compliance with national Green Belt policy, and the fact that the principle of the acceptability of the development has been established under a number of previous planning permissions, all provide support for the development on the site subject to there being no unacceptable residential amenity impacts.

#### Visual amenity impact of the development

66. Section 7 of the NPPF '*Requiring Good Design*', which attaches great importance to the design of the built environment is relevant to the development. Paragraphs 57 and 58 emphasise the importance of planning positively in order to achieve high quality and inclusive development, which functions well and adds to the overall quality of the area.
67. Also of relevance is Policy GP2 (Design and Amenity Criteria) of the RLP which supports development provided that it is of a scale, design and layout that is sympathetic to neighbouring buildings and the surrounding area, would not be overbearing and would ensure that occupiers of existing dwellings have a satisfactory degree of privacy. In addition, there should be no significant adverse effect upon the residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generation.
68. In terms of visual amenity impacts, the proposed development by virtue of its design and distance from residential development would have a neutral impact on the nearest sensitive receptors in Springfield Close. A lower profile to the roof line together with the building's compact character and use of more sympathetic materials to the external elevations would ensure that the building is visually integrated into its setting. By reinstating a building on the footprint of the previous building, it would appear as a 'like-for-like' structure, and would not introduce any additional visual amenity impacts, for the nearest occupiers. As such, the proposal accords with RLP Policy GP2 and the NPPF.
69. The building's proximity to the main school building together with its appropriate scale and design would ensure that the new element would appear as an integral part of the existing built fabric of the school site. The development would reflect the design of the existing main building, with the

low-level scale and roof profile being in keeping with the flat roof and single storey construction of the existing building. The choice of materials would be sympathetic to those of the existing CLASP building, with the cedar cladding being in keeping with the adjacent main school building, which incorporates an element of timber cladding. The proposed use of timber cladding also reflects the semi-rural character of the surrounding area, and would ensure that the development is visually integrated into its setting. As such, the development would accord with the design criteria established under the NPPF and RLP Policy GP2.

70. The proposed development would be substantially screened from the surrounding area by existing boundary treatment, with a mix of mature trees, hedgerow and fencing to the adjacent site boundaries. This aspect together with the separation distance of the development from adjacent residential property and the suitable design of the proposal would ensure that there would be no undue loss of visual amenity to neighbouring occupiers in Springfield Close in accordance with Policy GP2 of the RLP and the NPPF.

#### Other residential amenity impacts

71. The use of the modular building for extended school services has the potential to adversely affect the residential amenity of adjacent occupiers in Springfield Close given that its activities extend beyond core hours, including, under these proposals, an all year round provision for the holiday club. In particular, an extended use of the modular building for the duration of the school holidays has the potential to lead to a loss of amenity to the nearest sensitive receptors.
72. Neighbouring properties within Springfield Close currently benefit from the facility being closed for part of the school holidays, although the casual holiday use of the previous modular building for out of school provision has established an operational use of the building beyond core term-time hours.
73. On balance, it is considered that general amenity impacts, in terms of noise impact, are capable of being acceptably mitigated. It is considered that controls over operational hours, and the number of children permitted to use the modular building at any one time, would ensure that the proposal would result in less than substantial harm to the amenity of neighbouring occupiers, particularly when weighed against the wider public benefits the scheme would provide.
74. Planning conditions would seek to maintain the hours of operation established under the previous planning permissions, thereby ensuring that the facility does not operate beyond the proposed hours of 0730 hrs to 1800 hrs Mondays to Fridays. As such, the nearest occupiers would continue to benefit from their present level of amenity at weekends, and in the evenings, as well as on Bank and Public Holidays.
75. On balance, whilst the proposals would extend the use of this part of the school site, to an all year round provision of extended school services, it is considered that any impact on residential amenity is capable of being



suitably mitigated by controls over operational hours and the number of children using the modular building and play area. This aspect, together with the distance of the facility from residential property, which is approximately 15m, and the existing robust boundary treatment to the shared boundary, would ensure that any amenity impacts would be acceptable, in accordance with RLP Policy GP2.

76. In terms of the construction phase, it is acknowledged that there is the potential for the works to impact on the general amenity of local occupiers, particularly those living on Stockwell Lane, and along the private access road, as this route provides vehicular access to the site for construction traffic. However, the duration of the works would be for a temporary period only, of relatively short duration, and it is considered that subject to controls over working hours, the amenity impacts would on balance not be unacceptable.

#### Traffic, access and parking

77. In terms of the highways implications, it is recognised that there is a perceived problem with traffic congestion and parent parking, in what is a somewhat constrained location. Given that the school is accessed by a narrow private access road, off Stockwell Lane, which is in itself a narrow carriageway, parents allegedly park on Springfield Close. With respect to Springfield Close, it is a cul de sac location, with no through road access, and as well as residential housing there is also a large sheltered housing complex for the elderly, with associated visitor parking.
78. Whilst the County Council, as Highway Authority, does not object to the proposal, this is on the understanding that the number of children being catered for and associated staff does not increase above that permitted to use the facility to date. It is also on the understanding that in terms of parking, the surrounding roads would not be adversely affected by the development.
79. Planning conditions would ensure that the number of children using the building at any one time does not exceed the twenty-four permitted under the previous permissions issued by the borough council. With regards to the proposed activities associated with the modular building, the start and finish times for the day care/nursery provision are normally outside those of the main school times, so it is anticipated that traffic associated with drop off and pick up times would be staggered throughout the day. Associated staff would use the on-site school car park throughout the year, including during the school holidays.
80. It is understood that the holiday club, which has to date operated on a demand led, casual basis, has not led to traffic impacts on Springfield Close. Representations received from occupiers living in the close, indicate that traffic congestion and parent parking has not been apparent during the school holidays. The school has indicated that its intentions are to work with residents in Springfield Close to ensure that traffic impacts associated with the development remain low and this co-operative approach is to be welcomed.



81. Within this context, the school is working with the County Council's Road Safety Officer to update its School Travel Plan. The Travel Plan would set out objectives, targets and actions aimed at reducing the number of cars arriving at the school, to maximise pupil safety and minimise the impact on local residents. Actions would be short term to cover the modular building coming into use, as well as medium and long term, to demonstrate the school's commitment to the neighbouring community. Options which are open to consideration include a partnership with the local public house to enable parent parking; a park and stride and walking bus; and the potential use of the school car park during summer holiday activities. These measures would specifically seek to address traffic impacts on Springfield Close.
82. Planning conditions would seek to ensure that the plan is in place before the modular building becomes operational. As such, it is anticipated that traffic impacts associated with the day care/nursery facility would continue to be relatively low level, and that the development is capable of according with Policy GP2 of the RLP. In accordance with this policy, there would be no significant adverse effect upon the residential amenity of the surrounding area by traffic generation associated with the development.

#### Other Issues

83. Concerns have been raised in relation to the cessation of the former external provider, Cropwell Bishop Pre-School Playgroup, in terms of delivering the playgroup facility. However, this is a management issue for the school and is outside the planning remit.
84. The extended school provision provided by Cropwell Bishop Primary School is separate to the provision provided in the Methodist Chapel, alluded to in neighbour representations, and would not be associated with the closure of this facility.
85. With regards to the funding of this project, it is understood that the school is investing in a modular building so that it is able to retain control over its day care/pre-school, and extended school services provision.

#### Conclusions

86. Whilst the proposal does conflict with RLP Policy EN14, there are material considerations to justify an exception to this policy. The NPPF Green Belt policy, which allows for 'like-for-like' replacement development provided the building is put to the same use and is not materially larger than a previous building, as in the case of the development under consideration in this report; and the fact that general amenity impacts are capable of being suitably controlled subject to planning conditions, argue in favour of the development.
87. By virtue of its design and location, the proposal would be a low-level, low impact replacement development, and one which would not give rise any unacceptable residential amenity impacts. The proposal would be

sympathetic to the nearest neighbouring properties and to the school's Green Belt location and semi-rural character of the surrounding area.

88. Overall, there are deemed to be material considerations sufficient to outweigh conflict with RLP Policy EN14. As such, the proposal is considered capable of being supported. The development would provide a useful local facility in the interests of the wider public.
89. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

### **Other Options Considered**

90. 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**

91. 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.

### **Equalities Implications**

92. The development would deliver a fully accessible and inclusive day care/pre school facility, which would accord with the requirements of the Equality Act 2010.

### **Crime and Disorder Implications**

93. The development would be located within an established school site benefiting from an element of both internal and perimeter security fencing, which offers an appropriate level of site security. No objections are raised by the Police Architectural Liaison Officer.

### **Safeguarding of Children Implications**

94. Any children attending the day care/pre-school facility would have the benefit of being safeguarded by an element of security fencing around the wider school site.

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

95. In accordance with the principles of sustainable development established under the NPPF, sustainable materials and design features have been incorporated into the development. This includes the use of high levels of

natural daylight, double glazing to the doors and windows; and highly insulated walls, flooring and roof elements, designed to be energy efficient. The development would also make use of existing resources, such as linking the associated surface water and foul drainage into the existing system. The proposal therefore accords with Policy GP1 of the RLP, and the NPPF.

96. There are no service users, financial and human resources implications that are material to the determination of the planning application.

### **Human Rights Implications**

97. 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) may be affected. The proposals have the potential to introduce general residential amenity impacts and traffic impacts upon local residents, particularly occupiers on Springfield Close, Stockwell Lane and the private access road. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as delivering extended school services for the wider community, including early learning and day care provision.
98. In respect of Article 6, it is considered that appropriate publicity/consultation has taken place, involving the application being advertised by a press notice, site notice and neighbour notification letters have been sent to nearby occupiers of residential properties in Springfield Close, Stockwell Lane, and Church Street, Cropwell Bishop, in accordance with the County Council's Adopted Statement of Community Involvement. Any representations received have been given due consideration in considering whether the benefits of the proposals outweigh the potential impacts, and reference has been made to these in the Observations section of the report.
99. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

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

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

### **RECOMMENDATIONS**

101. 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**

The Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 5.06.14]

### **Comments of the Service Director - Finance (SEM 05/06/14)**

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

### **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**

Cotgrave      Councillor Richard Butler

Report Author / Case Officer

Deborah Wragg

0115 9696510

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

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PPCS.DW/ep5185  
29 May 2014

**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 at least 7 days, but not more than 14 days, prior to the commencement of the development.

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

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

- a. Planning Application Form received by the CPA on 28<sup>th</sup> March 2014;
- b. Design and Access Statement received by the CPA on 28<sup>th</sup> March 2014;
- c. Location Plan received by the CPA on 28<sup>th</sup> March 2014;
- d. Plan titled 'Scheme Proposals' Drawing No. CSA-T217-SK.05 Rev. D received by the CPA on 28<sup>th</sup> March 2014.

*Reason: For the avoidance of doubt.*

4. Except with the prior written agreement of the CPA, no construction work shall be carried out or plant operated other than between the following hours: 0730 hrs to 1800 hrs Mondays to Fridays, 0800 hrs to 1330 hrs on Saturdays and at no times on Sundays, Bank or Public Holidays.

*Reason: In the interests of amenity and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).*

5. The development hereby permitted shall not commence until the colour of the external finishes to the modular building has been submitted to and agreed in writing with the CPA. The external finishes of the building shall thereafter be maintained in good condition in accordance with the approved details.

*Reason: In the interests of amenity and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).*

6. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to, and been approved in writing by, the CPA. The drainage works shall thereafter be carried out in accordance with the approved details.

*Reason: To ensure the development does not result in an unacceptable pollution impact on the surrounding area in accordance with Policy EN22 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).*

7. No vehicles involved in the construction work shall leave the school site in a condition whereby mud, clay or other deleterious materials are carried onto the highway or onto the private access road off Stockwell Lane.

*Reason: In the interests of highway and general road safety.*

8. Within three months of the development hereby permitted first being brought into use, a review of the School Travel Plan shall be submitted to and approved in writing by the CPA. The School Travel Plan Review shall be revised in accordance with the options set out in an email from the County Council's Road Safety Officer, received by the CPA on 20<sup>th</sup> May 2014, with the aim of:

- a) reducing the number of cars arriving at the school;
- b) maximising pupil safety;
- c) minimising the impact on local residents.

The School Travel Plan Review shall set out proposals (including targets, a timetable, monitoring and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the CPA and shall include arrangements for the monitoring of progress of the proposals. The School Travel Plan Review shall be implemented in accordance with the timetable set out in that document unless otherwise agreed in writing by the CPA.

*Reason: In the interest of the safety of users of the site, and to minimise the impact of the development on neighbouring occupiers in compliance with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).*

9. The development hereby permitted shall only be used between the hours of 0730 hrs to 1800 hrs Mondays to Fridays and at no times on Saturdays, Sundays, Bank or Public Holidays.

*Reason: To protect the amenity of nearby residential properties and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).*

10. No more than twenty-four children shall use the modular building hereby permitted at any one time.

*Reason: To protect the amenity of nearby residential properties and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).*

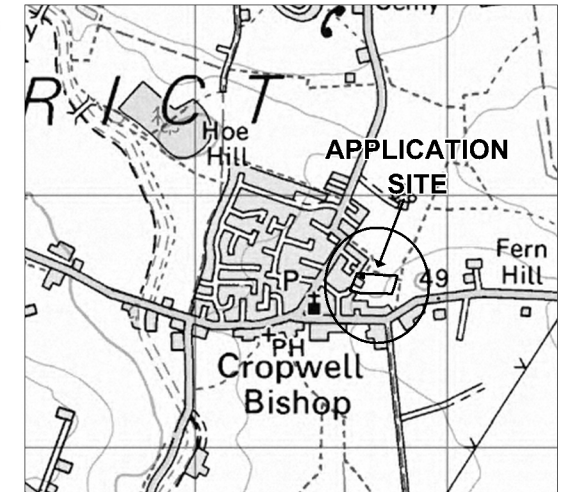
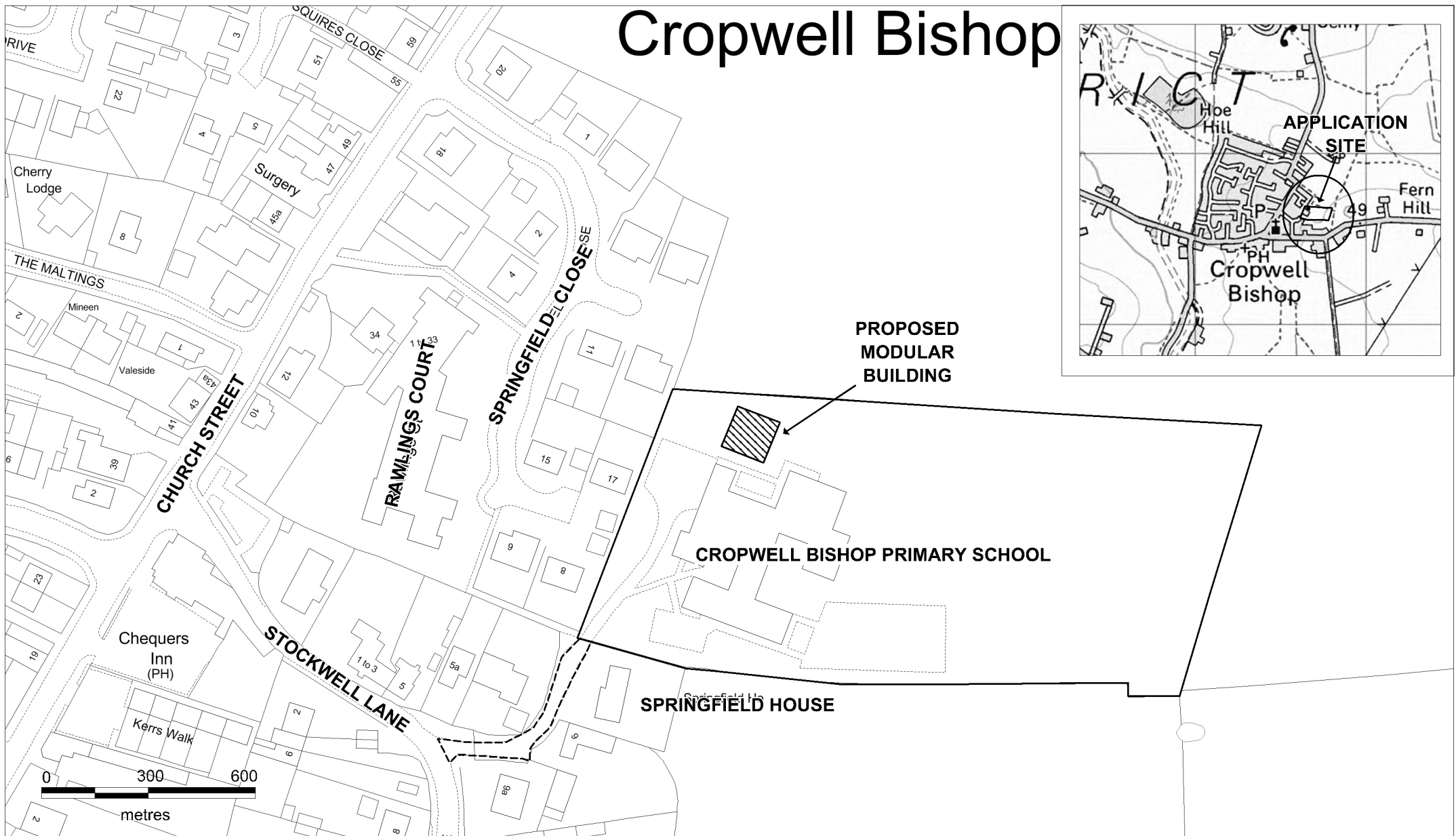
**Note to Applicant**

1. With reference to Condition 8 the applicant is advised to discuss the review of the School Travel Plan with Steve Stevenson (NCC Road Safety Officer – School Liaison) on 0115 977 2360.
2. The applicant is encouraged to consider the provision of photo voltaic panels in relation to roof specification details as encouraged by Policy 1 of the Rushcliffe Core Strategy (March 2012).





# Cropwell Bishop



**Nottinghamshire  
County Council**

Provision of a single modular building for use as day care / pre school nursery facility.  
Cropwell Bishop Primary School, Stockwell Lane, Cropwell Bishop, Nottinghamshire.  
Planning Application No. 8/14/00611/CTY

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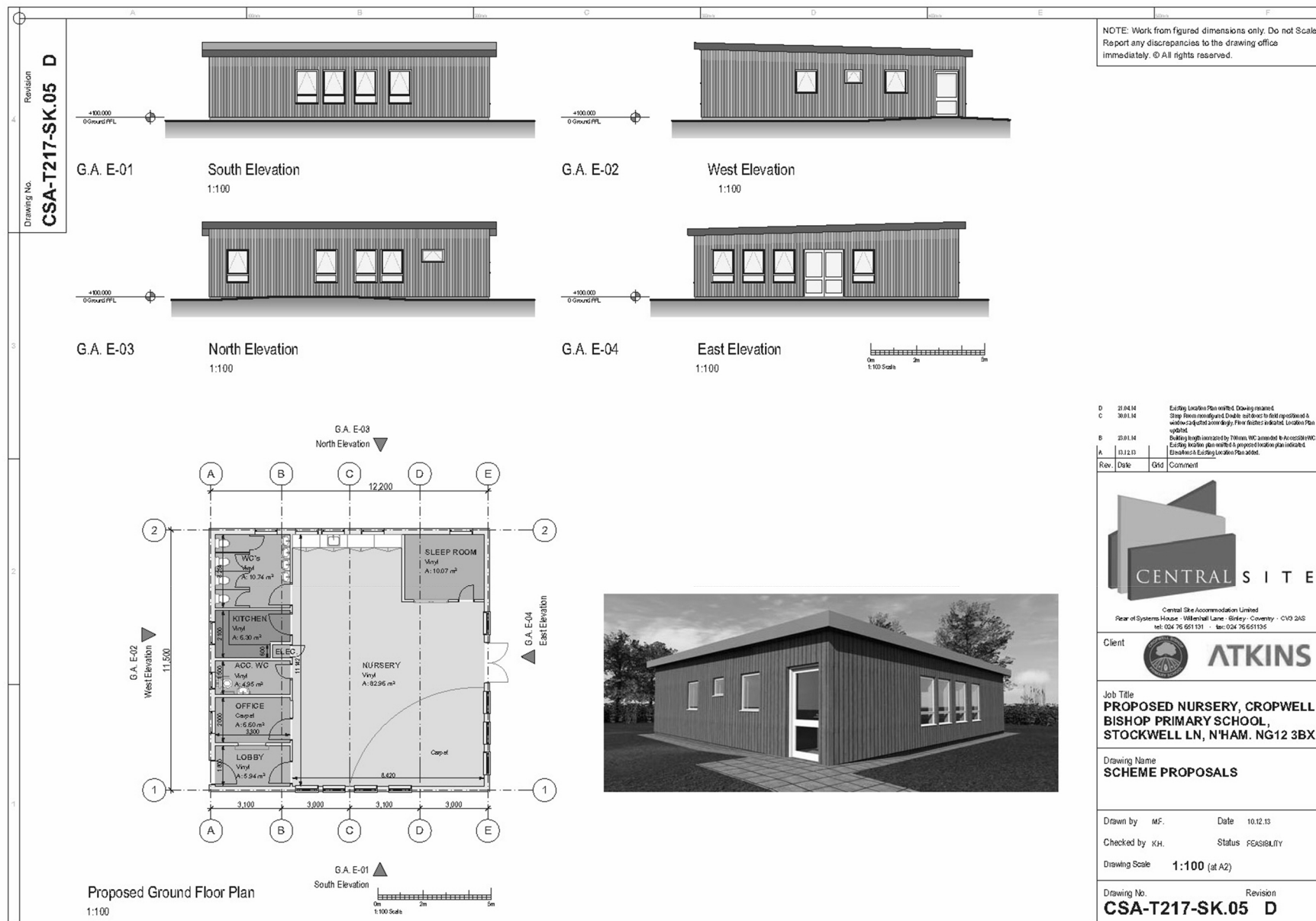
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Date: JUNE 2014

**PLAN 1**





**Nottinghamshire  
County Council**

Provision of a single modular building for use as day care / pre school nursery facility.  
Copwell Bishop Primary School, Stockwell Lane, Cropwell Bishop, Nottinghamshire.

Planning Application No. 8/14/00611/CTY  
**Page 129 of 158**

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Date: JUNE 2014

**PLAN 2**



**17<sup>th</sup> June 2014****Agenda Item:9****REPORT OF CORPORATE DIRECTOR POLICY , PLANNING AND  
CORPORATE SERVICES****ADOPTION OF A CHARGING REGIME FOR PRE-APPLICATION ADVICE ON  
PLANNING APPLICATIONS****Purpose of the Report**

1. To advise Members of the results of the consultation exercise undertaken with a selection of relevant stakeholders and seek Committee approval for the introduction of a charging regime for providing pre-application advice to potential applicants.

**Background**

2. Members will recall that in March this year a committee report sought endorsement for the introduction of a charging regime for providing pre-application advice and approval to undertake a consultation exercise with a selection of relevant stakeholders in advance of its introduction.
3. Planning officers within the County Council's Development Management Team currently provide pre-application advice to all potential applicants upon request. The purpose of pre-application advice is to improve the quality of planning applications and provide relevant guidance and engagement which, in turn, increases the efficiency of the subsequent planning application process. Currently this pre-application advice service is provided free of charge.
4. The County Council's budget proposals included a figure of up to £18,000 as the amount that charging for pre-application advice could potentially generate by 2016/17. The introduction of a charging regime is considered to be justified in the light of the County Council's current financial situation in an attempt to recoup some of the costs associated with providing this service and to bring this authority in line with similar authorities.

**Legislative context and policy framework**

5. Section 93 of the Local Government Act 2003 gave powers to Local Authorities to charge for "discretionary activities" i.e. those which they do not have a mandatory duty to provide. This provision enabled Local Planning Authorities to

charge for, inter alia, providing pre-application advice. The Act stipulated that fees should not, however, exceed the cost of providing the service.

6. The effectiveness and importance of the pre-application process was endorsed by the Planning Act 2008. This Act introduced a statutory requirement for applicants to engage in consultation with local communities, local authorities and other parties who would be directly affected by proposals in relation to nationally significant infrastructure projects. This requirement was further consolidated in 2011 by the Localism Act which introduced a requirement for applicants to engage with local communities in advance of submitting planning applications for certain developments.
7. Underpinning the whole Development Management approach is the need for good communication and collaboration between relevant parties and front-loading the process. The National Planning Policy Framework published in 2012 also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. The Framework further states that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. The accompanying Guidance to the NPPF was published in March 2014 and in respect of pre-application advice states the following:

*“Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:*

- *providing an understanding of the relevant planning policies and other material considerations associated with a proposed development,*
- *working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development,*
- *discussing the possible mitigation of the impact of a proposed development, including any planning conditions,*
- *identifying the information required to accompany a formal planning application, thus reducing the likelihood of delays at the validation stage.*

*The information requested must be reasonable. The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed.”*

8. It is with this as a policy framework that it is considered timely to introduce a formalised process for providing pre-application advice. The County Council's recently updated Policy on the Validation Requirements for Planning Applications (Local List) also encourages applicants and their agents to seek pre-application advice.

### **The need for charges**

9. Engagement prior to submitting any planning application can be extremely important and enables the applicant and local planning authority to gain a clear



understanding of the objectives and constraints associated with a particular development. It also provides an opportunity for wider engagement with other stakeholders, where appropriate. This can in turn deliver better outcomes for all parties.

10. The scope of the current pre-application service provided by the Development Management Team is extremely diverse. It ranges from ad hoc emails/telephone calls about new boundary treatment around a school, for instance, to more in-depth and formal meetings about a proposed open cast mine involving prospective developers and other interested parties. Providing this comprehensive service is expensive in terms of resources and officer time. An approximate estimate would suggest the Development Management Team deal with hundreds of straight forward enquiries and at least a hundred more significant ones over a typical year.
11. Justification for introducing a charging regime arises from the need to recover at least some of the costs incurred by the County Council for this service. The proposal needs to be considered in the light of the significant financial constraints and budget cuts currently being experienced by the County Council. Costs for this service would be transferred from the “public purse” to those using, and therefore benefiting from, the service.

### Consultation response

12. The report to Planning and Licensing Committee on 25<sup>th</sup> March 2014 set out the charging experiences of other local authorities, as well as the benefits and risks of introducing charges, and sought Members’ endorsement of a pre-application charging regime following the undertaking of a consultation exercise with relevant stakeholders.
13. Following Members’ approval officers have undertaken a 21 day consultation period with stakeholders. This was restricted to previous “users” of the Development Management Team’s pre-application advice service and comprised both internal and external applicants and agents. The proposal to introduce the charging regime was also published on the County Council’s website to give any other interested parties the opportunity to respond.
14. Disappointingly, although not unexpectedly, response to the consultation was very low. Only two responses were received, these were both from internal consultees, with no comments from representatives of the minerals and waste industry. The reason for this is likely to be that most developers and their agents are increasingly becoming used to paying pre-application charges based on their experience at other local authorities.
15. A response was received from the County Council’s **Highways Safety Team** advising on the need to set up a simple and quick mechanism to recover the money. In response to this comment it is suggested that the fee for providing the pre-application advice would need to accompany the request for the advice and would therefore not require officers to “chase” overdue payments and, secondly,

it is envisaged that the money would be ring fenced to the Development Management Service's annual budget.

16. The second response came from the County Council's **Highways Development Control Team** asking whether Highways would receive any of the fees if the internal consultation on a pre-application enquiry involved Highways DC. However, they further confirmed that they are not able to charge for the advice they give as they have a statutory duty to respond to planning applications and pre-application consultations under Section 54 of the Planning and Compulsory Purchase Act. On this basis it is not envisaged that any of the fee received by the Development Management Team for providing pre-application advice would be passed onto Highways DC. In any event, to do so would introduce an additional administrative layer contrary to the advice received from the Highways Safety Team to employ a simple and quick mechanism.
17. As a consequence of the consultation exercise no changes are proposed to the pre-application charging regime or fee levels as set out below.

### **Charging regime and fee levels**

18. Experience indicates that charging for pre-application advice is becoming broadly accepted by developers and their agents providing this leads to a timely and professional service and the provision of carefully considered written advice. However, it is important that the fees are set at a level appropriate to the scale of the development and that it does not act as a disincentive to prospective developers engaging at the pre-application stage. Moreover, the charges must not exceed the cost of providing the service.
19. Having examined examples from other authorities it is considered that a flat fee based on the scale of the proposal would be most likely to meet these objectives. This system would also enable prospective applicants to be certain of the actual fee level involved unlike alternative schemes where an hourly rate applies.
20. The table below shows fee levels for pre-application advice based on the size and type of proposal, although it will be noted that no charge is proposed to be levied in relation to certain types of proposals.

<b>Category</b>	<b>Definition</b>	<b>Fee level</b>
Significant	Major minerals and waste schemes: <ul style="list-style-type: none"><li>• All new and extensions to opencast coal sites.</li><li>• All new quarries or landfill sites.</li><li>• Any extensions to existing quarries or landfill sites where extraction or deposit exceeds 30,000 tpa or 5</li></ul>	£500, plus VAT

	<p>hectares.</p> <ul style="list-style-type: none"> <li>Any waste management facility processing over 50,000 tpa.</li> <li>Any development involving creation or change of use of 2,000 sq.m or more floorspace or on sites over 5 hectares.</li> <li>Major energy or infrastructure proposals.</li> </ul>	
Major	<ul style="list-style-type: none"> <li>All minerals and waste proposals except those listed in significant or minor categories.</li> <li>Any waste management facility processing between 5,000 and 50,000 tpa.</li> <li>Any development involving the creation or change of use of between 1,000 and 2,000 sq.m floorspace or on sites over 1 hectare (but less than 5 hectares).</li> </ul>	£300 plus VAT
Minor	<ul style="list-style-type: none"> <li>Minor minerals and waste proposals, e.g. minor variations / non-compliance to existing schemes.</li> <li>Any development involving the creation or change of use are of floorspace less than 1,000 sq.m (but more than 500 sq.m) or on sites of less than 1 hectare.</li> </ul>	£150 plus VAT
Other development	<ul style="list-style-type: none"> <li>Any development involving less than 500 sq.m or no floorspace, such as boundary treatment.</li> <li>Requests for confirmation as to whether planning permission may be required.</li> <li>Any proposal for which there is no planning fee.</li> </ul>	FREE

	<ul style="list-style-type: none"> <li>Any proposal relating to the needs of people with disabilities.</li> </ul>	
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21. Fees set at this level would be "mid-range" i.e. less than some authorities but higher than others. They are considered to be fair, clear and will enable the recoupment of much of the actual cost of providing the service without making a profit.

### **How the pre-application advice service will operate**

22. It is necessary for the County Council to formalise its pre-application advice service and establish the minimum amount of information that will need to be submitted to enable comprehensive advice to be given. Anyone seeking pre-application advice would be required to complete a Pre-application Request Form which will be available on the County Council's website. This will need to be submitted to the Development Management Team and accompanied by the relevant fee based upon the approved scale of charges set out above.

The following information will also need to be submitted:

- a location plan at 1:1250 or 1:2500 identifying the site and means of access;
  - details, with photos where relevant of the existing site including topography, site ownership, and details of what is considered to be the lawful use of the land and/or buildings;
  - a full description of the proposals including a schedule of all proposed uses. Where new buildings are proposed drawings and illustrative material should accompany the request;
  - for minerals and waste proposals information about quantities to be extracted or processed per annum and likely timescales should be submitted;
  - any additional information that can help demonstrate the impact of the proposal on its surroundings.
23. In return the County Council will provide a written response by letter or email setting out the following:
- a summary of planning policies or guidance relevant to the proposal and details of the site's planning history;
  - details or any likely relevant planning constraints such as ecological designations, heritage assets or flood risk potential;

- details of any consultation undertaken and responses from those parties;
- the requirements for a formal planning application submission, including potential Legal Agreements and Environmental Statements;
- advice on which other bodies should be contacted and community engagement to be undertaken prior to making a formal submission;
- any other information deemed to be relevant.

The need for a meeting to discuss the proposal, either site or office based, will be agreed by all parties involved.

### **Response times**

24. Responses to advice relating to significant and major proposals would be provided within 20 working days of receiving all relevant information. Although where specialist advice needs to be sought, such as from an ecological officer or an external consultee, or a site or office based meeting is deemed necessary then the timeframe is to be separately agreed between the Authority and the prospective applicant. Responses to requests for pre-application advice on minor proposals and any other development will be made within 15 working days (subject to the same provisos outlined above).
25. As is the case at present, all advice given will be in good faith and to the best of ability without prejudice to the consideration of any subsequent planning application which will be the subject of statutory consultation and will often be referred to this Committee to ultimately determine. All pre-application advice would need to be appropriately caveated.

### **Summary**

26. This report explains the rationale behind the proposed introduction of charging for pre-application advice provided by officers within the County Council and details how the service would operate. Justification for this proposal relates to the Council's current financial situation and the need to recoup some of the costs associated with providing this service and to ensure that the service is paid for by those most likely to benefit from it. The precedent set elsewhere by similar and neighbouring authorities is also considered to be relevant. Charging for pre-application advice will come into effect on 1<sup>st</sup> July 2014. The pre-application charging regime, once approved, will be monitored and periodically reviewed by the County Council. It is envisaged that any future proposed amendments to this scheme will be reported back to this Committee.

### **Statutory and Policy Implications**

27. 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.

### **Human Rights Act Implications**

28. 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.

### **Equality Impact Assessment**

29. An Equality Impact Assessment was undertaken and approved for this proposal in September 2013. It concluded that the proposal would impact on all sectors of the community equally with no disproportionate impact on people with protected characteristics.

## **RECOMMENDATIONS**

- 1) It is RECOMMENDED that Members note the responses received following a period of consultation with relevant stakeholders on the proposal to charge for pre-application advice given to prospective applicants.
- 2) It is FURTHER RECOMMENDED that Members approve the introduction of the charging regime for pre-application advice as set out in this report to come into effect on 1<sup>st</sup> July 2014.

### **JAYNE FRANCIS-WARD**

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

### **Constitutional Comments**

The Planning and Licensing Committee has authority to consider and approve the recommendations set out in this report by virtue of its terms of reference. [NAB 02.06.14]

### **Financial Comments**

The financial implications are set out in the report. [02.06.14]

### **Background Papers**

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

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

All

**For any enquiries about this report please contact: Jane Marsden-Dale  
Tel. 0115 969 6505**





**17 June 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 April and 31 May 2014 and to confirm the decisions made on planning applications since the last report to Members on 22 April 2014.

**Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period.
3. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

**Statutory and Policy Implications**

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

**RECOMMENDATIONS**

5. It is RECOMMENDED that the report and accompanying appendix be noted.

**JAYNE FRANCIS-WARD**

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

**Constitutional Comments**

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report. [HD – 02/06/2014]

**Comments of the Service Director - Finance**

The contents of this report are duly noted – there are no direct financial implications. [SM – 02/06/2014]

**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> April to 31<sup>st</sup> May 2014**

Division	Member	Received	Determined
<b>BASSETLAW</b>			
Blyth & Harworth	Cllr Sheila Place	Periodic Minerals Review, Scrooby Quarry South, Scrooby Top. Received 03/04/2014	
Tuxford	Cllr John Ogle	Change of use of land to accommodate new Soil Management Area, Welbeck Colliery, Elkesley Road, Meden Vale. Received 08/04/2014	
Blyth & Harworth	Cllr Sheila Place	Excavation of 40,000 cubic metres of colliery waste material from phase 1A residential development site and disposal upon Harworth Colliery spoil tip (area Tip 2). Excavation of colliery spoil from colliery tip (40,000 cubic metres from Area B and 10,000 cubic metres from Area A) and its replacement within Phase 1A residential development site to form a development platform to enable the development to be constructed to agreed finished levels. Restoration and greening over/aftercare of disturbed areas at Harworth Colliery. Land at Scrooby Road, Harworth. Received 13/05/2014	

Division	Member	Received	Determined
Tuxford	Cllr John Ogle	Erect a 2m high close boarded perimeter fence, to replace the existing four bar post and rail fence. Markham Moor Salting Depot, Markham Road, Tuxford. Received 20/05/2014	
Tuxford	Cllr John Ogle	Replace oil fired boiler with wood pellet boiler and pellet silo. East Markham Primary School, Askham Road, East Markham. Received 28/05/2014	
<b>MANSFIELD</b>			
Mansfield East	Cllr Alan Bell 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. Received 01/04/2014	
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimibiridis	Staff room extension, Leas Park Junior School, Ley Lane, Mansfield Woodhouse. Received 19/05/2014	
<b>NEWARK &amp; SHERWOOD</b>			
Balderton	Cllr Keith Walker		Erection of new 2.4m high perimeter fence and gates, Newark Day Services, London Road, New Balderton. Granted 07/04/2014
Southwell & Caunton	Cllr Bruce Laughton	Application to extend the time limit for implementation, replacing extant planning permission 3/03/02626 CMA Cromwell Quarry, Land to the East of the A1, Cromwell. Received 15/04/2014	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Blidworth	Cllr Yvonne Woodhead	Erection of 2 conservatories: Conservatory 1 for under 5 facility. Conservatory 2 for additional teaching area for foundation intake. Python Hill Primary School, Kirklington Road, Rainworth. Received 23/04/2014	
Farndon & Muskham	Cllr Mrs Sue Saddington	Revised final restoration contours and compliance with conditions 18 and 23 of previous planning permission 3/14/91/1237. Staple Quarry, Grange Lane, Balderton. Received 30/04/2014	
Collingham	Cllr Maureen Dobson	Replacement of existing oil fired boiler plant with a new wood pellet boiler. The existing Boiler Room and Oil Store shall be demolished and a new Pre-fabricated Energy Cabin provided in the service area to the rear of the existing school building. Pipework will then be run to connect to the existing heating system in the School and Multifunction Hall. Queen Eleanor Primary School, Station Road, Harby. Received 02/05/2014	
Blidworth	Cllr Yvonne Woodhead	Increase in the coal fines stocking and blending area of planning permission 3/13/00495/CMM together with the construction of a drying shed. Rufford Colliery Spoil Tip, South of Eakring Road, Rainworth. Received 06/05/2014	

Division	Member	Received	Determined
Farnsfield & Lowdham	Cllr Roger Jackson	Take down trees and bushes and remove off site. Remove and temporarily store 75,000cu-m of colliery spoil from lagoon 4. Remove approx 40,000 cu-m of coal fines and transport off site. Replace spoil and soils and restore site as agreed with Nottinghamshire County Council. If red shale is located on site it will be used beneficially on site as agreed with NCC or exported for beneficial use. Bilsthorpe disused colliery, Eakring Road, Bilsthorpe. Received 06/05/2014	
Farnsfield & Lowdham	Cllr Roger Jackson		Extend the area of the site to include additional storage area to be used exclusively for the storage of PAS100 end product compost. Oxton Grange, Ollerton Road, Oxton. Granted 21/05/2014 (Committee)
Farndon & Muskham	Cllr Mrs Sue Saddington		Two leachate storage tanks, Staple Quarry, Grange Lane, Cotham. Granted 15/05/2014
<b>ASHFIELD</b>			
Sutton in Ashfield West	Cllr Tom Hollis		Single storey extension within school courtyard to create a hygiene suite with link corridor and extension to PE store, together with internal alterations to boys toilets. Mapplewells Junior & Infant School, Henning Lane, Sutton-in-Ashfield. Granted 07/04/2014



<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Kirkby in Ashfield North	Cllr John Knight		Construction of 2 conservatories to provide extra dining room and nursery accommodation, Greenwood Primary School, Sutton Middle Lane, Kirkby in Ashfield. Granted 08/04/2014
Kirkby in Ashfield South	Cllr Rachel Madden	Erection of KS1 modular classroom extension, flat roof store/cloakroom extension to facilitate enlarged KS2 classroom, internal alterations to existing school buildings, extension to staff car park, and associated drainage and landscape works. Kirkby Woodhouse Primary School, Main Road, Kirkby-in-Ashfield. Received 28/04/2014	
Kirkby in Ashfield North	Cllr John Knight		Extend existing school building to create a nursery/early years centre for 16 places, Abbey Hill Primary School, Abbey Road, Kirkby in Ashfield. Granted 22/05/2014
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot		Change of use of land for Beardall Street replacement primary school with landscaping and 2.4m high security fencing. Land off Kenbrook Road, Hucknall. Granted 28/05/2014

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot		Alteration to boundary, re-siting of sprinkler tank, path and associated landscaping as a Variation of Condition 3 of planning permission 4/V/2013/0360 for the erection of 420 place primary school (in two phases) and 26 (full time) place Foundation 1 (nursery) unit, with grassed, hard court and informal play areas, servicing, car parking and associated landscape works including 2.4m high security fencing. Land off Kenbrook Road, Hucknall. Granted 28/05/2014
<b>BROXTOWE</b>			
Bramcote & Stapleford	Cllr Stan Heptinstall Cllr Jacky Williams	Erection of single storey 30 place freestanding classroom and 30 place single storey classroom extension with canopy addition; associated landscaping works; new 2.4m security fencing; and formation of hardstanding for an additional five car parking bays to access road. Bramcote Hills Primary School, Moor Lane, Bramcote. Received 04/04/2014	
Beeston south & Attenborough	Cllr Kate Foale		New entrance lobby and canopy, John Clifford Primary School, Nether Street, Beeston. Granted 25/04/2014

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Beeston North	Cllr Steve Carr		A new single storey 3 classroom extension with additional meeting room and WC provision, all attached to the rear corridor of the school. New field gate and service footpath to provide access from the rear boundary with the adjacent supermarket. Roundhill Primary School, Foster Avenue, Beeston. Granted 09/05/2014
Eastwood	Cllr Keith Longdon	Design and construction of concrete skatepark and associated drainage. Coronation Park, Plumpton Way, Eastwood. Received 29/05/2014	
Chilwell & Toton	Cllr Dr John Doddy Cllr Richard Jackson	Place a double decker bus on the school site, to be converted into a library (ground floor) and additional learning space on first floor. Alderman Pounder Infant School, Eskdale Drive, Chilwell. Received 30/05/2014	
<b>GEDLING</b>			
Carlton East	Cllr Nicki Brooks 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. Received 15/04/2014	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Demolition of Single Temporary Classroom. Erection of New 2-Classroom and Offices Modular Extension, and Associated External Works, Including Re-aligned Access Drive. Coppice Farm Primary School, Laver Close, Arnold. Received 25/04/2014	
Carlton East	Cllr Nicki Brooks Cllr John Clarke	New rear extension for nurture provision, Netherfield Primary School, Chandos Street, Netherfield. Received 28/04/2014	
Arnold North	Cllr Pauline Allan Cllr Michael Payne		Basic Needs 2014 school expansion, new car park and works to security fencing, Richard Bonington Primary and Nursery School, Calverton Road, Arnold. Returned 19/05/2014
Arnold North	Cllr Pauline Allan 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. Received 19/05/2014	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Newstead	Cllr Chris Barnfather		Demolition of brick boundary wall and store, erection of new single storey foundation unit extension and associated external works including extended tarmac car park and new 2400mm high fencing. Newstead Primary School, Hucknall Road, Newstead Village. Granted 29/05/2014
<b>RUSHCLIFFE</b>			
West Bridgford Central & South	Cllr Steve Calvert Cllr Liz Plant		Application to retain existing temporary classroom, Lady Bay Primary School, Trent Boulevard, West Bridgford. Granted 07/04/2014
Cotgrave	Cllr Richard Butler	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. Received 08/04/2014	
West Bridgford West	Cllr Gordon Wheeler		Retention of modular building (Building No. 4), Heymann Primary School, Waddington Drive, West Bridgford. Granted 17/04/2014
West Bridgford West	Cllr Gordon Wheeler		Retention of modular building (Building No. 4), Heymann Primary School, Waddington Drive, West Bridgford. Granted 17/04/2014

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Bingham	Cllr Martin Suthers		Refurbishment and adaptations to the library, including replacement windows and doors. Adaptations to the former health centre to form a children's centre. Refurbishment of entrance canopy. Bingham Library and Former Health Centre, Eaton Place, Bingham. Granted 30/04/2014
Soar Valley	Cllr Andrew Brown		New extension to add a Music Room, Lantern Lane Primary School, Lantern Lane, East Leake. Granted 02/05/2014
Soar Valley	Cllr Andrew Brown	Variation of condition 5 of planning permission 8/11/01100/CMA to extend the time period necessary to extract all permitted reserves of sand and gravel at the extension to Jenks Land at East Leake Quarry, Rempstone Road, East Leake. Received 07/05/2014	
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 15/05/2014	

17 June 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>
15 <sup>th</sup> July 2014	3/14/00040/CMA	Land at Langford Quarry, Newark Road, Near Collingham, Newark	Proposed southern extension to existing quarry with restoration to water amenity, together with revised restoration for creation of an enlarged nature reserve and retention of existing plant site and site access
15 <sup>th</sup> July 2014	4/V/2013/0359	Plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane, Hucknall	Retrospective use of site for recycling of inert materials and construction of 5m high sound attenuation wall.
15 <sup>th</sup> July 2014	8/14/00781/CMA	Langar North Trading Estate, Harby Road, Langar	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.
15 <sup>th</sup> July 2014	4/V/2013/0499	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 4)
15 <sup>th</sup> July 2014	4/V/2013/0498	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 5)
15 <sup>th</sup> July 2014		Richard Bonington Primary & Nursery School, Calverton Road, Arnold	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.


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

<b><u>Reference</u></b>	<b><u>Location</u></b>	<b><u>Brief Description</u></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
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)
2/2014/0013/NT	Cast 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.
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
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
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
	Former Gunthorpe Gravel Workings, Gunthorpe	Scheme submitted by Severn Trent Water Limited for the restoration of the former Gravel Workings at Gunthorpe
4/V/2012/0383	Total Reclaims Demolition Ltd, Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates.
	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.
	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.

