

PLANNING COMMITTEE

Wednesday 18 April 2012

Councillor P. G. Barnes (Chair)

| | | |
|--------------|-------------------|-------------------|
| Councillors: | B. S R. Miller | S Hewson |
| | P. A. Allan | J. Hollingsworth |
| | C. P. Barnfather | M. Hope |
| | D. N. Beeston MBE | M. Lawrence |
| | A.S. Bexon | M. Paling |
| | F. J. D. Boot (a) | S. J. Prew-Smith |
| | R. F. Collis | C. J. Powell (a) |
| | A Ellwood | N. Quilty |
| | M. Glover | J. Truscott (a) |
| | | G. G. Tunnicliffe |

Officers in attendance: P. Baguley, F. Whyley, A. Dubberley, J. Cole.

134 APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors Boot, Powell and Truscott.

135 TO APPROVE AS A CORRECT RECORD THE MINUTE OF THE MEETING HELD ON 7th MARCH 2012

Resolved that the minutes of the above meetings having been circulated, be approved as a correct record.

136 DECLARATION OF INTERESTS

Councillor Allen declared a personal interest in item 6 (minute 139 refers), Councillor Collis declared a personal interest in item 7 (minute 140 refers) and Councillor Tunnicliffe declared a personal interest in items 5 and 6 (minutes 138 and 139 refer).

137 APPLICATION NO 2005/0910

Land on the West Side of Dark Lane, Calverton

After discussion and on the requisition of two Members a motion to grant planning permission was put to a named vote and the motion was carried.

For the motion (12 votes): Councillors Barnes, Miller, Allan, Barnfather, Beeston, Bexon, Ellwood, Hollingsworth, Lawrence, Paling, Prew-Smith and Tunnicliffe.

Against the motion (4 votes): Councillors Collis, Hewson, Hope and Quilty.
Abstentions (1): Councillor Glover

Resolved to grant planning permission subject to the following conditions:

1. Application for the approval of the reserved matters shall be made to the Borough Council not later than three years from the date of this permission. Details of appearance, landscaping and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Borough Council before any development begins and the development shall be carried out as approved by the Borough Council. The development hereby permitted shall begin no later than two years from the date of approval of the last reserved matters to be approved.
2. This permission relates to layout plan nos.sk21 Rev.K, 121 Rev.F, 101 Rev.F and highway engineering plan nos.01287-100E-2 and 01287-100 Rev.E.
3. The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include plans showing existing and proposed ground levels of the site, sections across the site and details of the finished slab level for every property. The development shall be carried out in accordance with the details approved by the Borough Council.
4. The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) a plan showing the existing trees/hedges to be retained as part of the proposed development; (b) details of any proposed topping or lopping of any tree/hedge proposed to be retained, or of any tree on land adjacent to the site; (c) details of any proposed alterations in existing ground levels and any excavation within the root protection area of any hedge/tree to be retained on site or of any tree on land adjacent to the site; (d) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree/hedge from damage before or during the course of development and (e) proposed and existing functional services above and below ground. The development shall be carried out in accordance with the details approved by the Borough Council, unless agreed otherwise in writing by the Borough Council.
5. The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted including details of the area of woodland planting and mixed hedge proposed adjacent to the southern boundary of the application site; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be carried out in accordance with the details approved by the Borough Council, unless agreed otherwise in writing by the Borough Council.

6. The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the details once approved by the Borough Council, unless agreed otherwise in writing by the Borough Council.
7. No part of the development hereby permitted shall take place until such time as the new access from Main Street has been constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council as shown on for indicative purpose only on drawing no. 01287-100 Revision E (General Arrangement - BSP Consulting).
8. No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the local planning authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, proposed structural works and a proposed programme of works. The development shall be implemented in accordance with these details once approved by the Borough Council.
9. No part of the development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the local planning authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no debris is discharged or carried onto the public highway.
10. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
11. Pedestrian visibility splays of 2.0 metres x 2.0 metres shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
12. Visibility splays of 2.4 metres x 25m metres shall be provided on each vehicle access point leading to a parking space, private drive and a garage. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
13. No gates shall be erected at any vehicular access to an individual private drive or parking space serving any dwelling from the public highway, unless otherwise by prior agreement in writing by the Borough Council.

14. All carport parking for any dwelling hereby permitted shall not have garage doors and the parking area shall be kept available for the parking of motor vehicles at all times. The parking area shall be used solely for the benefit of the occupants of the dwelling of which it forms part (and their visitors) and for no other purpose and permanently retained as such thereafter.
15. No part of the development hereby permitted shall be brought into use until the access driveway and parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking spaces to the public highway in accordance with details first submitted to and approved in writing by the Borough Council. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
16. No part of the development hereby permitted shall take place until drainage plans for the disposal of foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling, unless otherwise by prior agreement in writing by the local planning authority.
17. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
18. The fencing and any other proposed measures proposed to protect existing trees/hedges to be retained on site shall be erected in accordance with the details approved under condition 4 above prior to the commencement of development and retained in situ until the development has been completed.
19. If within a period of five years beginning with the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the local planning authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
20. No part of the development hereby permitted shall take place until details have been submitted to and approved in writing by the Borough Council in relation to providing safer pedestrian crossing facilities at the junction of the new access road and the existing public footpath numbered as 14. Details shall include the provision of signage together its location to guide all road and footpath users. The provision of such measures shall be carried out in accordance with the approved details and retained at all times unless otherwise agreed in writing with the Borough Council.

21. No development shall take place within the application site until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the Borough Council. Thereafter the scheme shall be implemented in full accordance with the approved details.
22. Before development is commenced a maintenance schedule should be provided in respect of the proposed woodland screen and mixed hedge proposed to the southern boundary of the site. Once approved, the woodland screen and hedge shall be retained in accordance with the approved details at all times unless otherwise approved in writing by the Borough Council.
23. Before development is commenced, a schedule of works to demolish, refurbish and extend the barns within the curtilage of no.115 Main Street and re-clad the adjoining substation accompanied by a timetable for these works shall be submitted to and approved in writing by the Borough Council. Once approved, the proposed development shall be completed in accordance with these details unless otherwise agreed in writing by the Borough Council.
24. Before development commences a working design, method statement and timetable of works to mitigate any adverse effects to bats shall be submitted to and agreed with your Authority and shall be carried out as part of the development. This should be based on the details included in the proposed Bat Species Method Statements 1 and 2.
25. Subject to the timing of any permitted development, the presence of breeding birds is to be taken into account. The removal of any habitats that may be used by nesting birds, buildings or vegetation, should ideally be removed outside the bird breeding season (early March to mid September). If this is not possible a thorough search for nests should be undertaken before work commences and any active nests found should be protected and left undisturbed until all the young have fledged.
26. The proposed development shall be carried out in accordance with the recommendations of Section 5.2 of the Badger Survey (June 2010).
27. Development shall not begin until a scheme to deal with contamination of the site has been submitted to, and approved in writing by, the Borough Council. The scheme should be a phased "risk based" assessment carried out in accordance with relevant guidance. The scheme should consist of the following steps (a) Desktop reports (b) Detailed investigation reports (c) remediation statements (d) Validation reports. There should be consultation between the Borough Council and the appointed contaminated land consultant before the works start and at all phases of the investigation process. Where remediation works are deemed necessary to render the ground "suitable for use" then details of the works should be submitted to, and approved in writing, by the Borough Council, prior to any works commencing on site. Validation of the remediation works should be submitted to, and approved in writing by, the Borough Council following the completion of the scheme of works.

28. No dwelling shall be occupied until the measures approved in the scheme referred to in Condition 27 have been implemented. The measures required shall be monitored and certified as being in compliance with the approved scheme of works by a firm of consulting engineers who shall carry suitable and sufficient professional indemnity insurance and whose appointment has been previously agreed in writing by the Borough Council. The consultant's certificate shall be given to the developer and to the Borough Council and in so certifying the consultants shall confirm that they owe a duty of care to both parties.
29. No part of the development hereby permitted shall take place until details has been submitted to and approved in writing by the Borough Council in relation to providing Prohibition of Waiting (Yellow Lines) restrictions along Main Street at the proposed road junction and along the short section of the new access road. The provision of these shall be carried out in accordance with the approved details prior to the occupation of the approved office units or occupation of the 25th dwelling whichever is sooner, unless otherwise by prior agreement in writing by the Borough Council.
30. A minimum drive length of 5.6m shall be provided between the front elevation of any garage and the highway boundary.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure that the positioning of dwellings in the design produced at reserved matters stage in relation to layout and scale would accord with Policy ENV1 and H7 of the of the Gedling Borough Replacement Local Plan (saved policies) 2008.
4. To ensure that the landscaping of the development as proposed at reserved matters stage provides sufficient detail to ensure that the trees and hedges to be retained on site will be safeguarded in to meet the landscape principles specified within the design and access statement accompanying the outline application so that any future decisions relating to this outline permission are consistent with the submitted statement, and to ensure that the design of the site takes into account the recommendations made in the arboricultural statement submitted with the application, in order that the development accords with Policy ENV2 and H16 of the Gedling Borough Replacement Local Plan (saved policies) 2008.
5. To ensure that the landscaping of the development as proposed at reserved matters stage accords with Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (saved policies) 2008.

6. To ensure that the appearance of the development as proposed at reserved matters stage has regard to the appearance of the area as required by Policy ENV1 of the Gedling Borough Replacement Local Plan (saved policies) 2008.
7. In the interests of Highway safety.
8. To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (saved policies) 2008.
9. To provide highway safety measures in order to accord with Policy T1 of the Gedling Borough Replacement Local Plan (saved policies) 2008.
10. In the interests of Highway safety.
11. In the interests of Highway safety.
12. In the interests of Highway safety.
13. In the interests of Highway safety.
14. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, to enable vehicles to stand clear of the highway whilst parked, and to protect the free and safe passage of traffic, including pedestrians, in the public highway.
15. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
16. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
17. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.
18. To ensure that the trees and hedges to be retained as part of the development are protected during the construction of the development.
19. To accord with Policy ENV2 of the Gedling Borough Replacement Local Plan.
20. In the interests of Highway safety.
21. To safeguard any potential archaeological remains.
22. To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

23. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
24. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
25. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
26. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
27. To ensure the protection of controlled waters and to ensure the site is suitable for use.
28. To ensure the protection of controlled waters and to ensure the site is suitable for use.
29. In the interests of Highway safety.
30. In the interests of Highway safety.

Reasons For Decision

In the opinion of the Borough Council the proposed development would provide housing in a sustainable location in accordance with the Development Plan. This constitutes substantial public benefits which outweighs other material considerations considered including the potential impact on heritage assets namely the setting of the Calverton Conservation Area and the setting of Scheduled Ancient Monument at Fox Wood. The proposal therefore accords with guidance contained within the National Planning Policy Framework and the Ministerial Statement Planning for Growth. The development would also accord with ENV1, ENV13, ENV14, ENV15, H8, H16, H18, T1, R3 and C2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) July 2008.

In addition to the above, the Council's published assessment of 5 year land supply has changed and the Council now only has 3.2 years supply of housing. Failure to approve the proposal would increase the Council's shortfall in its 5 year housing supply.

138 APPLICATION NO. 2010/0514

115 Main Street, Calverton, Nottingham.

Proposal to demolish existing barn in conservation area

Resolved to grant Conservation Area Consent subject to the following conditions:

1. The works, hereby approved, must be begun not later than the expiration of three years beginning with the date of consent.
2. This consent relates to the barns which are colour coded red on drawing no.104 'Barns to be demolished' submitted as part of this application.
3. Before development is commenced, a schedule of works to demolish, refurbish and extend the barns within the curtilage of no.115 Main Street and re-clad the adjoining substation accompanied by a timetable for these works shall be submitted to and approved in writing by the Borough Council. Once approved, the proposed development shall be completed in accordance with these details unless otherwise agreed in writing by the Borough Council.

Reasons

1. Required to be imposed pursuant to section 18 of the Town and Country Planning (Listed and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

Reasons for Decision

The proposed demolition would allow the re-development of the site in accordance with planning consent 2005/0910. In the opinion of the Borough Council, the demolition of the barns would have a less than significant impact on the character of the Conservation Area and public benefit has been demonstrated to outweigh this impact in accordance with the National Planning Policy Framework (March 2012).

139 APPLICATION NO 2012/0166

5 Grover Avenue, Mapperley

Erection of 2 no. semi-detached houses with parking on land to side of property.

Resolved:

1. That the Planning Committee refuse planning permission due to the scale and bulk as well as the overbearing nature of the proposed development which would be out of keeping with the streetscene of the surrounding area; and
2. To delegate to the Corporate Director, in consultation with the Chair, the issuing of refusal of planning permission.

140 APPLICATION NO. 2012/0210

13 Swinton Rise, Ravenshead, Nottingham.

Single storey kitchen & dining extension to rear of house.

Resolved to grant planning permission subject to the following conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission relates to the approved plans received by the Borough Council on the 5th March 2012 Ref. SC 0112/245,

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

Reasons for Decision

The proposed development results in no significant impact on the amenities of neighbouring residential properties and has no material impact on the character or appearance of the site or the wider street scene. The proposal therefore accords with Policy H10 (Extensions) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

141 PLANNING DELEGATION PANEL ACTION SHEET - 23 MARCH 2012

Resolved to note the information.

142 FUTURE PLANNING APPLICATIONS

Resolved to note the information.