

## **PLANNING COMMITTEE**

**Wednesday, 10th April, 2013**

Councillor P.G. Barnes(Chair)

Councillors:

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

**146 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors R. Allan, P. Allan and Hewson.

**147 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 13 MARCH 2013.**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**148 DECLARATION OF INTERESTS.**

All Members declared a non-pecuniary interest in Agenda Item 4 as Members of Gedling Borough Council.

**149 APPLICATION NO. 2012/1456  
GEDLING COUNTRY PARK, SPRING LANE**

Consideration was given to a supplementary note, which had been circulated prior to the meeting, setting out amended conditions to those presented in the original report.

The recommendation with the conditions as amended was moved from the Chair and duly seconded.

Members asked that the minute record that the application was delegated to Officers at the previous meeting of the Planning Committee but the delegation had not been exercised and the matter was now returned to Committee, rather than withdrawn as stated within the report.

**RESOLVED to GRANT PLANNING PERMISSION, subject to the following conditions:**

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plans received on the 7th December 2012, the 18th December 2012, the revised plans received on the 28th January 2013, the revised plans received on the 27th February 2013 and the revised plan received on the 1st March 2013, drawing numbers LR/4017514/02 C, LR/4017514/07, LR/4017514/08, LR/4017514/09, LR/4017514/10, LR/4017514/11, LR/4017514/12, LR/401754/05, LR/4017514/03A, LR/4017514/04A, LR/4017514/06, LR/4017514/06, LR/4017514/04A, LR/4017514/02A and LR/4017514/03B.
3. The development hereby approved shall be carried out in two phases in accordance with the details set out in section 3 of the Design and Access Statement received on the 18th December and in accordance with the phasing details contained on drawing LR/4017514/04 A, Phase 1 being carried out by the 31st December 2013 and Phase 2 being carried out by the 31st December 2014, unless otherwise prior agreed in writing by the local planning authority.

**Pre-commencement Conditions**

4. 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. The scheme to be submitted shall demonstrate:
  - (1) The utilisation of holding sustainable drainage techniques that provide water quality, amenity, biodiversity, and water resource benefits;

- (2) The limitation of surface water run-off to equivalent greenfield rates;
- (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
- (4) That there will be no increase in the risk of flooding to the adjacent residential development;
- (5) Management of any overland flow routes that may affect the site from adjacent areas; and
- (6) Responsibility for the future maintenance of drainage features.

5. Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

- a) A Site Characterisation:- an assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination, and: an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.
- b) Submission of Remediation Scheme:- where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- c) In the event that remediation is required to render the development suitable for use, the approved remediation scheme shall be implemented in accordance with the approved timetable of works specified within the approved remediation scheme.
- d) Prior to public opening, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and

approved in writing by the Local Planning Authority.

e) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

6. Unless otherwise agreed by the Local Planning Authority, development must not commence until an assessment has been undertaken in accordance with the requirements of Condition 5 a above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority. Any remediation work done must be done in accordance with that approved scheme.

7. Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority precise details of the works to be undertaken in order to provide the visibility splay to the access into the site from Arnold Lane. Once these details are approved the development shall be carried out in accordance with these approved details before the access from Arnold Lane is first brought into use and the visibility splay maintained at all times thereafter in accordance with the approved details.

#### **Prior to the site being first brought into use**

8. The site shall not be brought into use until such time as a scheme to provide appropriate crossing to watercourses which will not pose a detriment to flood risk or biodiversity has been submitted to the Local Planning Authority and approved by the Local Planning Authority in writing. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the approved scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

9. Prior to the development being first brought into use there shall be submitted to and approved in writing by the Local Planning Authority details of a proposed parking area for bicycles. The bicycle parking area shall be provided in accordance with these approved details before the development is first brought into use and the area retained for the parking of bicycles at all times.

10. The car parking proposed to be provided off the access from Arnold Lane shall be made available for the users of the country park as the development is brought into use and the proposed height restrictor barriers to be provided at this entrance shall be provided in accordance with the details set out in Section 3 of the Design and Access Statement (received 18th December 2012). The car park shall remain available to members of public and the height restrictor barrier shall be retained thereafter, for the lifetime of the development unless otherwise prior agreed in writing by the Local Planning Authority.

11. Before vehicular access is provided from the proposed access off Spring Lane a visibility splay of 3.5 metres by 160 metres shall be provided to the Spring Lane entrance into the site and shall be retained thereafter at all times.

### **Phases of the Development**

12. Prior to the proposed car parking/footpath areas relating to the proposed vehicular access off Arnold Lane being first brought into use there shall be submitted to and approved in writing by the Local Planning Authority precise details of any security/flood lighting proposed to be erected at the site. Once these details are approved the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

13. Prior to any works commencing on the proposed footpaths within the site there shall be submitted to and approved in writing by the Local Planning Authority precise details of the positioning of the footpaths within the site which takes account of the amendments to the boundaries of the country park. Once these details are approved the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

14. Before the proposed red shale surfacing is used for the surfacing of footways within the site the red shale surfacing material is required to be tested to ensure that it is suitable for its intended use. The details of the testing of the red shale shall be submitted to the Local Planning Authority for assessment. Once the details are approved only the tested surfacing material shall be used within the site. Should the red shale surfacing material once tested be unsuitable for use on the site details of a replacement surfacing material shall be submitted to the Local Planning Authority for written approval. Once these details are approved the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local

Planning Authority.

15. Prior to the construction of the proposed pedestrian bridges there shall be submitted to and approved in writing by the Local Planning Authority precise details of the pedestrian bridges hereby proposed. This shall include precise details of their design, siting and their construction. Once these details are approved the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

16. Before public vehicular access is provided from the proposed access off Spring Lane the access road from Spring Lane including the proposed footways shall be completed and surfaced in a hard bound material (not loose gravel) for a minimum distance of 25 metres behind the Highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The surfaced access and footways shall then be maintained in such approved hard bound material for the life of the development.

17. Before public vehicular access is provided from the proposed access off Spring Lane the car parking area to be provided off the Spring Lane access shall be provided in accordance with drawing number LR/4017514/06 (received 28 January 2013) and the car parking spaces shall be kept available for parking in association with the development thereafter.

18. Prior to the proposed car parking/footpath areas relating to the proposed vehicular access off Spring Lane being first brought into use by the public there shall be submitted to and approved in writing by the Local Planning Authority precise details of any security/flood lighting proposed to be erected at the site. Once these details are approved the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority within three months of the approval of these details.

19. Within six months of works commencing on site a Landscape and Wildlife Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority, and shall detail the proposed landscape and wildlife management of the site for a minimum of five years. Once these details are approved the details contained within the approved Landscape and Wildlife Management Plan shall be adhered to at all times. Any future changes to the approved Landscape and Wildlife Management Plan shall be prior approved in writing by the Local Planning Authority.

20. The proposed replacement hedgerow to the Spring Lane boundary as shown on the plans hereby approved shall be carried out in the first planting season following the substantial completion of the development and should the hedgerow become diseased or die within five years of the completion of the development it shall be replaced in the next planting season by the applicants or their successors in title in accordance with the approved plans.

21. The recommendations as set out within Section 4.1 – Summary of Recommendations of Applied Ecology's 2012 Report should be adhered to at all times during works being undertaken on the site.

22. Before development is commenced in respect to Phase 2 of the works to be undertaken at the site there shall be submitted to and approved in writing by the Local Planning Authority precise details of the footway proposed to be provided along Spring Lane. Once these details are approved the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

### **Life Time Conditions**

23. The gates to the proposed access points into the site shall open inwards.

24. The vehicular access points into the site shall not be used between the hours of 21.00 and 06.00 from 1st June to 30th September inclusive and shall not be used between the hours of 19.00 and 07.00 from 1st of October to 31st May inclusive.

### **Reasons**

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

2. For the avoidance of doubt.

3. For the avoidance of doubt

4. 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.

5. To provide adequate crossing to water courses and to reduce the risk of flooding

6. To ensure a satisfactory development where contamination has been dealt with appropriately
7. To ensure a satisfactory development where contamination has been dealt with appropriately
8. In the interests of highway safety.
9. In the interests of highway safety.
10. In the interests of highway safety.
11. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
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19. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and the National Planning Policy Framework paragraph 118.
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### **Reasons for Decision**

The proposal provides an important area of open space, results in no significant impact on neighbouring properties or the area in general. The proposal raises no highway safety implications and is not detrimental to wildlife on the site or in the surrounding area. The proposal therefore accords with policies ENV1, ENV42, ENV43, ENV44, policies contained within the National Planning Policy Framework March 2012 and the policies contained within the Aligned Core Strategy.

### **Notes to Applicant**

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 185 to 186 of the National Planning Policy Framework.

You are advised that conditions 4 to 7 and 14 should be read in conjunction with the attached comments received from the Environment Agency and the Borough Council's Public Protection Section.

It is suggested that consideration be given to crime reduction signage being displayed within the site in order to reduce crime within the area.

You are advised that any works proposed to the hedgerows and trees on the site shall be undertaken outside of the bird breeding season.

Councillor Barnes left the meeting and Councillor Miller took the Chair.

**150        APPLICATION NO.2007/0748  
              SPRING LANE, MAPPERLEY (ALTERATION TO S106  
              AGREEMENT)**

Councillor Lawrence moved the recommendation which was duly seconded.

An amendment to the recommendation to include the sum of £318,000, as specified within the report , was agreed. The amended recommendation was put to the vote and carried.

**RESOLVED:**

To authorise the Service Manager, Planning and Economic Development to instruct the Council's Solicitor and Monitoring Officer to undertake the necessary work to prepare and finalise a Deed of Variation to the Planning Obligation already agreed and lodged with the Borough Council (7 September 2010) to enable a financial contribution of £318,000 to be made in lieu of the on-site provision of twelve units of affordable housing for the development permitted by Planning Permission 2007/0748 (and 2010/1022 reserved Matters).

**151        PLANNING DELEGATION ACTION SHEETS**

**RESOLVED:**

To note the information.

**152        FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**153**

**ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS URGENT.**

None.