



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Planning Committee

Date: **Wednesday 30 August 2017**

Time: **6.00 pm**

Place: **Council Chamber, Civic Centre.**

For any further information please contact:

Cayte Goodall

Democratic Services Officer

0115 901 3961

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Barbara Miller

Councillor Michael Adams
Councillor Pauline Allan
Councillor Chris Barnfather
Councillor Alan Bexon
Councillor Bob Collis
Councillor Kevin Doyle
Councillor David Ellis
Councillor Gary Gregory
Councillor Meredith Lawrence
Councillor Marje Paling
Councillor Colin Powell
Councillor Paul Stirland
Councillor Paul Wilkinson
Councillor Henry Wheeler

AGENDA

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- Planning Committee Protocol.**
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MINUTES PLANNING COMMITTEE

Wednesday 19 July 2017

Councillor John Truscott (Chair)

In Attendance:	Councillor Barbara Miller	Councillor Marje Paling
	Councillor Michael Adams	Councillor Colin Powell
	Councillor Pauline Allan	Councillor Paul Stirland
	Councillor Alan Bexon	Councillor Paul Wilkinson
	Councillor Bob Collis	Councillor Henry Wheeler
	Councillor David Ellis	Councillor Sarah Hewson
	Councillor Gary Gregory	Councillor John Parr
	Councillor Meredith Lawrence	

Absent: Councillor Chris Barnfather and Councillor Kevin Doyle

Officers in Attendance: M Avery, N Morley, S Oleksiw and L Parnell

34 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Barnfather and Doyle, who were substituted by Councillors Hewson and Parr.

35 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 21 JUNE 2017.

RESOLVED:

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

36 DECLARATION OF INTERESTS

On behalf of all members of the Committee, the Chair declared a non-pecuniary interest in application numbers 2017/0619, 2017/0636 and 2017/0581 as the site is owned by Gedling Borough Council.

37 APPLICATION NO. 2017/0201LAND NORTH OF PAPPLEWICK LANE LINBY

Application for Approval of Reserved Matters in relation to Appearance, Landscaping, Layout and Scale of Outline Planning Permission no: 2013/1406.

The Service Manager, Development Services, introduced the report.

Ms. Roberta Norris, a local resident objector, addressed Committee.

RESOLVED to GRANT APPROVAL of RESERVED MATTERS, as specified below:

Approve the Reserved Matters under planning application no: 2013/1406 in relation to the Appearance, Landscaping, Layout and Scale of the proposed development.

Conditions

1. The development hereby permitted shall be constructed in accordance with the following approved drawings and documents: House Types and Garages, received on 16th February, 2017; Materials Palette, received on 2nd March, 2017; Proposed Boundary Detail (SD-9-05), received on 7th March, 2017; Proposed Footpath/Cycle Barrier (16043-09 Rev: CA), and Garage Parking Plans (16043-10 Rev: CA), received on 12th May, 2017; Proposed Site Plan (16043-01 Rev: CP), Proposed Materials Plan (16043-05 Rev: CK), External Works Plan (16043-08 Rev: CG), and Soft Landscape Proposals, Sheets 1 to 7 (GL0716 03B, GL0716 04B, GL0716 05B, GL0716 06B, GL0716 07B, GL0716 08B, GL0716 09B), received on 30th June, 2017 and Engineering Layout Sheet 3 of 4 (E680-12 Rev: D), received on 6th July, 2017.

Reasons

1. For the avoidance of doubt and to allow a proportionate approach to minor material amendments.

Notes to Applicant

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the 6C's Design Guide in conjunction with Highway Development Control's requirements for Nottinghamshire County Council as the Highway Authority: (a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980; (b) It is essential that design calculations and detailed construction drawings for the proposed works are submitted to

and approved by the County Council (or Borough Council) in writing before any work commences on site.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how the Borough Council might help decrease levels by incorporating mitigation measures into scheme design as standard. See: <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/> The Borough Council would also ask that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

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. 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.

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised; and providing updates on the application's progress.

38 APPLICATION NO. 2017/0619 GEDLING COUNTRY PARK VISITOR CENTRE SPRING LANE GEDLING

The erection and operation of two CCTV columns.

RESOLVED to Grant Conditional Planning Permission

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plan; Proposed Site Layout

Drawing No. 102 Rev E received by the Local Planning Authority on 1st June 2017, and supporting information received on 9th May 2017 which form part of this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reasons

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

Notes to Applicant

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. 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.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. There were no issues to resolve in the processing of this application.

39 APPLICATION NO. 2017/0581 GEDLING COUNTRY PARK VISITOR CENTRE SPRING LANE GEDLING

Retention of new 36 space car park to replace provision previously approved as part of application 2016/0788.

Ms. Jane Green, a local resident, addressed Committee.

The Service Manager, Development Services, clarified the grounds for respective planning permission being sought in this instance.

RESOLVED to Grant Conditional Planning Permission

Conditions

1. The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 8th May 2017; Site Location Plan Drawing No. 3100/17, Block Plan Drawing No. 3100/18, Landscape Strategy Drawing No. 1016/001 Rev A, Landscape Softworks

West Drawing No. 1016/003 Rev D, Landscape Softworks East Drawing No.1016/004 Rev D, Landscape Softworks South Drawing No. 1016/005 Rev D which form part of this permission, unless otherwise agreed in writing by the Local Planning Authority.

2. The parking, turning and servicing areas are to be provided in accordance with the hereby approved plan; Block Plan Drawing No. 3100/18. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall be retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. For the avoidance of doubt and to define the terms of this permission.
2. In the interests of highway safety.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

Air Quality Electric Vehicle (EV) Charging Infrastructure The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard.(See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>)We would also ask therefore, that the applicant considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow those accessing the facilities to charge electric/plug-in hybrid vehicles. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

**APPLICATION NO. 2017/0636 GEDLING COUNTRY PARK VISITOR
CENTRE SPRING LANE GEDLING**

Variation of details relating to conditions 2 and 3 of 2016/0788 (Revised Landscaping Scheme) due to reposition of car park (subject to separate application 2017/0581)

**RESOLVED to Grant Conditional Planning Permission with
Conditions**

Conditions

1. Condition 1 of planning permission reference 2016/0788 has been complied with.
2. The development hereby permitted shall be carried out in accordance with the plans received on 5th July 2016, document no's: Design and Access Statement (First Issue 05/07/2016); Arboricultural Assessment (July 2016); Non-residential Mining Report (51001175308001); Transport Assessment (TPLE61348); and the plans and details received on 29th September 2016: Job Number 3100 - document no's: 10 (Site Location Plan) Rev E; 11 (Block Plan) Rev E; 12 (Proposed Site Plan) Rev F; 13 (Site Sections) Rev D; 14 (Proposed Plans) Rev F; 15 (Proposed Elevations) Rev E; 16 (Proposed Views) Rev C; 1016 002 (Sheet Layout); and 1016 003 Rev D (Landscape Soft Works West); 1016 004 Rev D (Landscape Soft Works East); and 1016 005 Rev D (Landscape Soft Works South), and 1016 001 Revision A (Landscape Strategy) received by the Local Planning Authority on 11th May 2017; as well as the email from the agent confirming the use of Naturescape N14 Seed Mix on 5th July 2017.
3. The Landscape and Ecological Management Plan hereby approved shall be implemented in accordance with the details received by the Local Planning Authority on 11th May 2017; Landscape Strategy Drawing No. 1016 001 Revision A, Sheet Layout Drawing No. 1016 002 Revision A, Landscapes Softworks West Drawing No. 1016 003 Revision D, Landscape Softworks East Drawing No. 1016 004 Revision D, Landscape Softworks South Drawing No. 1016 005 Revision D, Interpretation Post, Interpretation Post 2 and the Landscape and Ecological Management Plan prepared by DSA dated 10th March 2017. The scheme shall be implemented strictly in accordance with the approved details.
4. Condition 4 of planning permission reference 2016/0788 has been discharged under application reference 2016/1028DOC.

The scheme shall be installed and operated in accordance with the approved details at all times.

5. Condition 5 of planning permission reference 2016/0788 has been discharged with application reference 2016/1028DOC.
6. Condition 6 of planning permission 2016/0788 has been discharged with application reference 2016/1028DOC. The highway improvements plan shall be implemented strictly in accordance with the approved Transport Statement ref. TPLE61348 and shall be retained as such for the life of the development.
7. A Verification Report has been submitted and approved by the Borough Council in accordance with Condition 7 of planning permission ref. 2016/0788.
8. Condition 8 of planning permission 2016/0788 has been discharged with application reference 2016/1028DOC. The development shall then be completed strictly in accordance with the approved scheme.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
4. To ensure there is no adverse impacts on the local bat population as a result of the Visitor Centre in line with paragraph 118 of the National Planning Policy Framework (March 2012)
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In order to safeguard against the potential risks from ground conditions in accordance with ENV3 of the Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

This application relates to the original permission 2016/0788.

41 APPLICATION NO. 2016/0913 LAND ADJACENT TO THE FORMER CALVERTON COLLIERY OFF OXTON ROAD CALVERTON

Application No. 2016/0913 was withdrawn from the agenda.

42 APPEAL DECISION - 2016/0848 - 88 SHEEPWALK LANE, RAVENSHEAD.

RESOLVED:

To note the information.

43 PLANNING DELEGATION ACTION SHEETS

RESOLVED:

To note the information.

44 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

45 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The Chair and Committee Members congratulated Principal Planning Officer, Nick Morley, on his forthcoming retirement after 30 years with the Council and thanked him for his service to the Borough.

The meeting finished at 6.35 pm

Signed by Chair:
Date:

PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

Lobbying

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Roles at Planning Committee

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

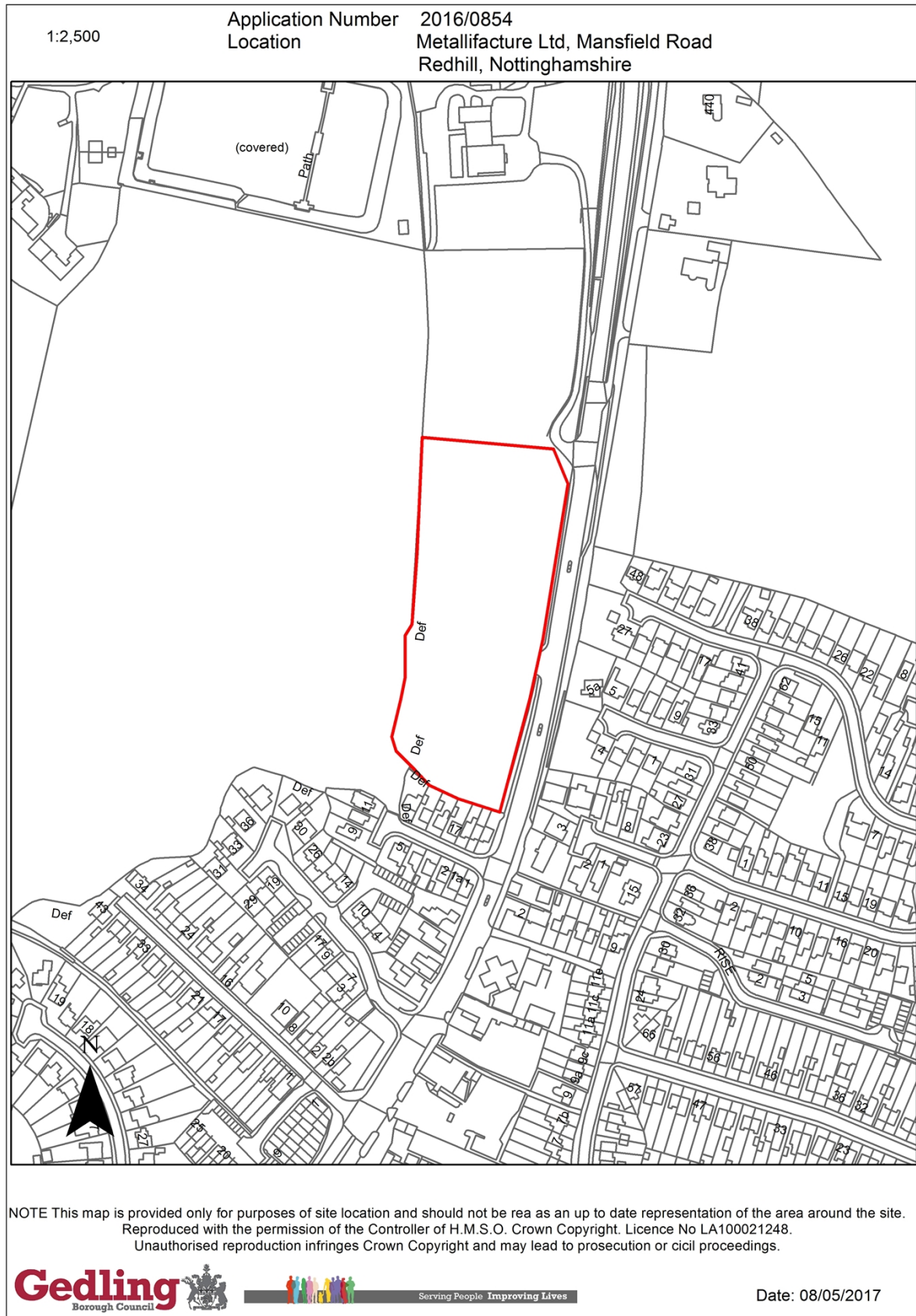
17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

Determination of planning applications

19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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Report to Planning Committee

Application Number: 2016/0854

Location: Metallifactory Ltd, Mansfield Road, Redhill.

Proposal: Erection of 72 dwellings and new vehicular access from Mansfield Road

Applicant: Barwood Homes Ltd And MF Strawson Ltd

Agent: Miss Fiona Shaw

Case Officer: David Gray

1.0 Site Description

- 1.1 The application site relates to the former Metallifactory Engineering Works on the western side of Mansfield Road, Redhill (A60) adjacent to the rear gardens of properties on Lodge Close. All associated previous structures have been demolished following approval on the site for 66 dwellings (Application reference 2007/0615). The site has continued to remain vacant and more recently has been utilised for the storage of cars.
- 1.2 In order to accommodate the former works on the land that rises steeply from south to north, the site was terraced. This has left the site with a poor relationship to Mansfield Road and the wider landscape.
- 1.2 The site extends to an area of approximately 1.2ha. The application site is adjoined to the south by rear garden areas to dwellings on Lodge Close, which are at a lower level than the application site. Open countryside is located to the north and west of the former engineering works. The western boundary forms the boundary of the Nottinghamshire Green Belt. Dense foliage exists to the North and West of the site, mature woodland exists on the Southern boundary and a retaining bank in addition to a tree screen is situated to the Eastern boundary with the adjoining highway.
- 1.3 The site is located within the urban area and the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) does not identify the site for any specific purpose.

2.0 Relevant Planning History

- 2.1 In October 2008 outline planning permission was granted to demolish the factory premises & erect dwellings (ref: 2007/0615).

- 2.3 In November 2011 a replacement planning permission was granted to replace an extant planning permission in order to extend the time limit for implementation – outline application 2007/0615 – demolish factory and erect dwellings (ref: 2011/1055).

3.0 Proposed Development

- 3.1 Full Planning Permission is sought for the erection of 72 dwellings and a new vehicle access from Mansfield Road.
- 3.2 The scheme would provide an area of public open space within the application site, and would retain potential access to the land to the rear.
- 3.3 The scheme consists of the following mix of units which have been designed to meet the needs of the area:
- 16 x 1 bed flats
 - 46 x 2 bed dwellings / flats
 - 10 x 3 bed dwellings
- 3.4 The proposed development is designed around a central T-shaped access road terminating at either spur with a turning head and a parking court.
- 3.5 The agent proposes the tree cover on the perimeter of the site to be retained to offer a visual and noise buffer from Mansfield Road.
- 3.6 A single point of access is proposed to the site from Mansfield Road. A Transport Statement has been submitted with the application which confirms the level of potential journeys to the site would not cause adverse highway safety implications subject to off-site highway works and other mitigation measures.
- 3.7 Bin storage areas are provided on plot for each property in a convenient location for collection.
- 3.8 In accordance with the statutory and local requirements the following supporting documentation has been submitted with the application to be considered:
- Planning Statement
 - Site Location Plan
 - Topographical Survey
 - Design and Access Statement
 - Ecological Survey
 - Transport Statement
 - Flood Risk Assessment / Drainage Strategy
 - Arboricultural Survey
 - Land Contamination Assessment
- 3.9 Further information was submitted in support of the application in the form of a Viability Appraisal produced by 'Turner Morum – Chartered Surveyors' to support the development with 0% affordable housing provision.

4.0 Consultations

4.1 Nottinghamshire County Council (Highway Authority) –

Drawing number 3029-04 Revision U now shows a 6.75m wide carriageway with 2.0m wide footways on both sides which is acceptable. The reference to a 5.5m wide carriageway should be deleted for the avoidance of doubt.

The turning head located at plots 25 and 52 should be removed, with the footway following a continuous alignment. Ideally, these amendments should be made at planning stage, although they could take place through the S.38 process if necessary. The private drive areas will however need to be maintained in accordance with details to be submitted until such time that a management company has been set up. The management company will however need to be secured through S.106.

The turning head at plots 18 and 36 is provided with 9m radii kerbs which should be sufficient to accommodate the turning manoeuvre of a refuse wagon.

We have been advised by the LPA that the overall parking provision is acceptable, although we still maintain our concerns that its remote location will result in on-street parking. Such practice cannot be allowed to take place on the A60 or along the main route into the site. Waiting restrictions should therefore be provided to maintain the free flow of traffic along these lengths.

Cycle facilities should be provided on the Western side of the A60 Mansfield Road in the form of a shared cycleway/footway from the site access to the signalised junction of the A60 and Redhill Road. Further details are required in this regard.

No objections subject to conditions to deal with surfacing of off street car parking areas, shared cycle footway provision, Travel Plan, Future Maintenance Agreements with a Management Company, and details of no waiting restrictions to the access from the A60.

4.2 Nottinghamshire County Council (Policy) –

Rights of Way

No definitive rights of way are affected.

Landscape

It is anticipated that the proposal would not have a detrimental effect on Landscape Character providing boundary vegetation can be successfully retained as indicated in the application documents.

Further information has been requested prior to determination of the application in order to enable further assessment of the proposal in terms of landscape and visual impact. A further plan has been requested distinguishing between the proposed and existing planting.

Notwithstanding this, conditions in relation to ecological mitigation have been requested.

4.3 Nottinghamshire County Council (Nature Conservation) –

Overall, the site has limited nature conservation value, and proposals largely retain the relatively higher value boundary vegetation. Nevertheless, conditions should be attached controlling the clearance of vegetation outside of bird nesting season, and the protection of vegetation during construction.

4.4 Nottinghamshire County Council LLFA (Lead Local Flood Authority) –

The LLFA have no objection and the proposed development is acceptable provided that the surface water drainage is managed in line with the information provided in the Flood Risk Assessment and Drainage Strategy for the Proposed Residential Development at Land Adjacent to Mansfield Road, Redhill, Nottingham, by Travis Baker Ltd dated 6 July 2016.

4.5 Environment Agency –

No objections subject to a condition requiring the applicant to submit a scheme for approval by the local planning authority that includes components to deal with the contamination of the site.

4.6 Wildlife Trust –

No comments received, the Wildlife Trust are focussing their limited time on the most potentially ecology damaging applications.

4.7 Architectural Liaison –

No comments received.

4.8 Natural England –

No comments to make on the application.

4.9 Education –

The proposed development of 72 dwellings would yield an additional 15 primary places. As the primary schools are at capacity it is therefore requested that an education contribution of £171,825 (15 x £11,455) to provide primary provision at Arnbrook Primary Academy to accommodate the additional pupils.

As the development would also impact on the local library service, at an average of 2.4 persons per dwelling, the 72 new dwellings would add 172 to the existing library's catchment area population. Therefore, if this development went ahead a library contribution of £3,293 for the additional stock would be required.

4.10 Nottingham North & East Clinical Commissioning Group (NHS) –

A development of 72 dwellings would result in increased service demand which would not be easily accommodated within existing primary care resources. The proposal would trigger the need to provide health related section 106 funding amounting to £38,831.

4.11 Arboricultural Officer –

The submitted Arboricultural Assessment dated July 2016 is adequate enough for the purpose of the proposed works and the retained trees would be offered adequate protection.

If the existing boundary fencing is to be removed prior to works onsite it is recommended pre-commencement meeting would be essential with the site/manager / agent to ensure all tree protection measures are in situ.

No objection subject to conditions covering the following:

1. All tree protection measures stated within the Arboricultural Assessment must be adhered to
2. All tree pruning must be carried out in accordance to BS3998:2010

4.12 Strategic Housing –

Gedling Affordable Housing Supplementary Planning Document requires 30% affordable housing on this site with a mix of 70% affordable rented dwellings and 30% intermediate for sale dwellings.

4.13 Public Protection (Scientific Officer) –

The applicant has submitted an air quality assessment (Air Quality Consultants (AQC) ref J2669 Aug 2016). It is recommended that an informative is attached to any approval to encourage the applicant to consider mitigation in the form of electrical vehicle charging infrastructure, Low NOx Boilers, and Broadband provision.

A condition should be attached requiring a Dust Management Plan to be submitted prior to the development commencing.

4.14 Public Protection (Technical Officer) –

Raise concerns over the possibility of noise from external sources being intrusive to residents of certain properties as outlined in the noise report.

It is therefore recommend that a condition is attached to any planning permission requiring the glazing and ventilation strategy outlined in the noise report submitted as part of the application being adopted in order to minimise the noise impact on residents. This would include the adoption of the glazing plan illustrated in the noise report figure 15/0715/GM1 and the associated specification outlined in 15/0715/SPC1 together with the associated ventilation.

4.15 Parks & Street Care –

The site is in excess of 0.4ha and therefore is covered by the requirements of the Supplementary Planning Guidance for Open Space Provision.

At least 10% of the gross site area will be public open space, made up of 40% LEAP and 60% Amenity Open Space. This should be provided through the section 106 process.

4.16 Economic Development –

The size of the development meets the thresholds for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Industry Training Board (CITB) and the National Skills Academy for Construction's "Client-Based Approach; Local Client Guidance for England" – to be implemented during the terms of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training"

4.17 Neighbouring Properties were notified and a Site Notice and Press Notice posted and 5 letters of representation were received as a result. The comments can be outlined as follows:

- A request has been made to reduce the height of the existing trees that form the frontage of the site as these overshadow the properties on Charlotte Close;
- The trees to the front of the site overshadow properties on the other side of Mansfield Road;
- The trees would also restrict sunlight to the proposed dwellings on the application site;
- Mansfield Road is already congested and additional traffic would add to the problem;
- More traffic would make it difficult for cars to turn right onto Mansfield Road from the other side of Mansfield Road to the application site;
- Concerns over the level of pollution from additional traffic;
- Additional population would put pressure on existing resources;
- Concerns have been raised on the health of trees adjoining neighbouring properties;
- Additional access onto Mansfield Road has been restricted for individual properties in the past;
- Previous access onto Mansfield Road to serve housing development have been refused by the Local Planning Authority in the past;
- Suggestions have been made to limit the number of dwellings built to reduce potential highway safety impacts or by making improvements to the existing highway.

5.0 Planning Considerations

5.1 National Planning Policy

- 5.2 The relevant planning policy guidance in respect of this application is set out in the National Planning Policy Framework (March 2012). The core planning principles set out in the guidance is a presumption in favour of sustainable development. In particular the following chapters are relevant in considering this application:
- 6. Delivering a wide choice of quality homes
 - 7. Requiring good design
- 5.3 Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings... decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.4 Development Plan Policies
- 5.5 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (adopted 2005) (GBRLP) referred to in Appendix E of the GBACS.
- 5.6 It is considered that the following policies contained within the GBACS are relevant to this application:
- ACS Policy 1 (Climate Change)
 - ACS Policy 2 (The Spatial Strategy); and
 - ACS Policy 10 (Design and Local Identity).
- 5.7 In accordance with paragraphs 214 – 215 of the NPPF due weight should be given to the policies of the GBRLP in accordance to their degree of consistency with the framework. Consideration will also need to be given to whether policies are out of date in line with paragraph 14 of the NPPF.
- 5.8 It is considered that the following policies from the GBRLP are relevant to this application:
- RLP Policy ENV1 (Development Criteria);
 - RLP Policy H7 (Residential Development on Unidentified sites within the urban area and defined village envelopes);
 - RLP Policy H8 (Residential Development);
 - RLP Policy R3 (Provision of Open Space with New Residential Development);
- 5.9 Weight can be given to emerging policies depending on a number of factors (stage of preparation, extent to which there are unresolved objections and degree of consistency with the NPPF). The following policies of the emerging Local Planning Document are relevant:

- Policy LPD 4 – Surface Water Management;
- Policy LPD 32 – Amenity;
- Policy LPD 35 – Safe, Accessible and Inclusive Development; and
- Policy LPD 39 – Housing Development on Unallocated Sites.

5.10 Additionally the following supplementary planning documents are considered to be of relevance to this application:

- Gedling Borough Affordable Housing SPD adopted 2009;
- Gedling Borough Parking Provision SPD adopted 2012; and
- Gedling Borough Open Space Provision SPD adopted 2001.

5.11 Assessment of Planning Considerations

In my opinion the planning considerations in the determination of this application are:

- Principle of development
- Effective and Efficient Use of Land
- Masterplan and Design
- Landscape and Visual Impact.
- Viability / Housing Supply and Provision
- Transport and Connectivity
- The impact on neighbouring amenity
- Open space and recreation
- Air Quality
- Noise
- Water resources, flood risk and drainage
- Land contamination
- Ecology
- Socio-economic impacts
- Other material considerations

6.0 Principle of Development

6.1 The NPPF attaches great importance to sustainable development. It states: *“Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision”* (NPPF – ministerial foreword). This is further confirmed in paragraph 14 which states that – *“at the heart of the NPPF is a presumption of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking”*. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.

6.2 The GBACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes located within and adjoining the Nottingham built up area. In order to meet this target the GBACS adopts a strategy of urban concentration with regeneration. This means the following hierarchy will be used to identify sites:

- Within or on the edge of the built up area of Nottingham
- Adjacent to the sub regional centre of Hucknall

- Key villages (Bestwood, Calverton, and Ravenshead)
- Other villages.

6.3 The proposal is located within the defined urban area (built-up area) of Arnold and, as such, accords with the strategy of urban concentration set out in ACS Policy 2.

6.4 When referring to the NPPF the definition of brownfield land is 'previously developed land that which is or was occupied by permanent structure, including the curtilage of the developed land and any associated infrastructure'.

6.5 Given the location of the development within the established urban residential area of Arnold and its former industrial use, and therefore brownfield land, there is no objection in principle to the redevelopment of the site for residential purposes. It is also my opinion that the development would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community. The development is therefore considered acceptable in principle.

7.0 Effective and Efficient Use of Land

7.1 The development is to provide 72 new homes on a site of 1.2ha, equating to a residential density of 60 dwellings per hectare which accords with the requirements of Policy H8 of the RLP which requires a minimum net density of 50 dwellings per hectare within 400 metres of a quality public transport route.

7.2 I am also of the opinion that the application site is of sufficient size to accommodate the 72 no. dwellings with the layout proposed without appearing cramped or over-intensive.

7.3 The development would feature a mixture of 2 and 3 bedroom homes as well as 1 bedroom apartments. The variety of housing types would create a mixed community providing units for family housing as well as smaller units to accommodate couples or individuals. I consider this to be an acceptable mix of homes which would serve the needs of the community.

8.0 Masterplan and Design

8.1 Policies ENV1, H7 and H16 of the Replacement Local Plan require development to be of a high standard of design. The policies require regard to be given to the appearance of the surrounding area, the provision of a safe and convenient access and circulation of pedestrians and vehicles, and incorporating crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, and defensible space and well considered layouts and landscaping.

8.2 I note that the application site is on the edge of the urban boundary with a residential cul-de-sac of Lodge Close immediately to the south characterised by detached 1980's houses. The site itself incorporates a number of constraints due to its previous industrial use and its location including; ground contamination, the requirement for special foundations, sound reduction

enhancements, surface water and associated works, external works / earthworks, re-grading of the site through cut and fill.

- 8.3 In formulating the design a number of Design Concepts were established that informed the scheme proposals led by the constraints of the previously developed site. These included: -
- Existing levels across the northern half of the site are to be regraded, as part of the remediation works required to make the site suitable for residential development;
 - New dwellings along Mansfield Road would form a largely continuous barrier to noise resulting on appropriate noise levels within the site;
 - The scheme proposes to retain the existing boundary planting and provides opportunity for additional ecological enhancements;
 - The proposals retain the existing point of access to the site.
- 8.4 I note that the proposal would result in a higher density development than that of the immediately adjoining area. However, I consider, given the constraints of the site that have been established, every opportunity has been taken to provide green space and gaps in the built-up frontage for the development not to appear cramped or over-intensive. I note that the development would be set back from Mansfield Road and would retain the dense vegetation boundaries to the frontage and the sides of the site. The proposed development would utilise its own separate access and would create new street scenes within the development.
- 8.5 I note that parking courts have been utilised to account for car parking provision. The use of the parking courts was established due to the location of Mansfield Road, potential noise impacts, and the desire of the applicant to set the properties fronting Mansfield Road back from the edge of the highway. Parking courts were used to account for the site limitations, and to provide access and circulation of traffic around a central road. The noise and air quality issues relating to the adjoining section of Mansfield Road resulted in the applicant to design the front facing properties along a pedestrian route to retain the dense tree boundary facing Mansfield Road. I am satisfied given the site specific limitations, which have been demonstrated, that a satisfactory car parking layout has been achieved.
- 8.6 Despite the limited dimensions of the site, the topographical constraints and the number of properties being proposed, the layout achieves front facing properties onto the public realm with rear boundaries of back gardens being enclosed to increase security. I am satisfied that a satisfactory layout has been achieved which has accounted for the site specific limitations that were apparent on this brown field site.
- 8.7 During the processing of the application amendments were made to the design to ensure that there was natural surveillance along pedestrian routes, enclosing the rear garden areas for security and to offer front facing dwellings onto parking areas. Additional windows were sought to the side elevations of plots 61 and 62 to ensure that the public open space (Local Equipped Area of Play (LEAP)) would have an element of natural surveillance from residential windows. Other amendments were made to ensure the development was not

over dominated by hardstanding for car parking, breaking up car parking with areas of green space.

- 8.8 The proposal comprises mainly of two-storey dwellings, some with accommodation in the roof, and I consider the design of the elevations / house types utilised complement each other and would help achieve a sense of place which would be in keeping in size, scale and massing.
- 8.9 Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- 8.10 In my opinion, the proposed development would also meet the relevant design elements of Policy 10 of the ACS/PV in terms of the positive contribution it would make in the streetscene by virtue of its architectural style, detailing and materials. Should planning permission be forthcoming conditions would be attached requiring the precise details of external materials and surfacing to ensure a satisfactory development with materials that complement each other and create legibility and a sense of place.

9.0 Landscape and Visual Impacts

- 9.1 The application site falls within the fringes of Arnold in north Nottingham and as such has not been directly assessed as part of the Greater Nottinghamshire Landscape Character Assessment 2009 which excludes urban /suburban areas. However, land immediately adjoining the site to the north and west form part of the Draft Policy Zone (DPZ) MN045 – The Dumbles Rolling Farmland. GBACS Policies 10 and 16 requires a landscape character approach towards assessing the impact of proposals on the landscape. Proposals should protect, conserve or, where appropriate, enhance landscape character.
- 9.2 I note the comments from the County Council Landscape team with regards to the requirement for a landscape visual impact appraisal, of a suitable level of detail, to indicate the nature of any visual impact and mitigation prior to determination of the application. However, the application was considered by the Landscape Team at Pre Application stage and no Landscape Visual Impact Appraisal was requested from the County Landscape team for determination. The application site has also previously benefitted from outline planning permission for residential development. The whole of the application site was previously developed, brownfield land that was occupied by a large industrial building and associated structures that has since been demolished. The majority of the mature trees on the boundary are proposed to be retained and any soft landscaping and planting plans can be secured by condition. Whilst I consider that the development would raise landscape impacts I consider, given that a residential development would have a reduced visual impact from the previous use of the site a landscape visual appraisal would not be necessary in this instance. I consider that the use of appropriate

conditions requiring a detailed landscape scheme would be sufficient to secure a development that minimises landscape and visual impacts in this instance.

- 9.3 Noting all the considerations above, and accepting the visual impact that this residential development would have, I consider that mitigation and landscape proposals secured by condition, managed and delivered over the whole site would make the development visually acceptable under the provisions of Policy ENV1 (b) of the GBRLP and Policy 10 of the GBACS.

10.0 Viability / Housing Supply and Provision / Socio-Economic Impacts

10.1 *Affordable Housing*

To comply with the Housing SPD a scheme of 72 dwellings would generate a requirement of 14 affordable units which should be delivered at 70% / 30% split in favour of affordable rent over intermediate housing.

10.2 *Education*

The proposed development of 72 dwellings would yield an additional 15 primary places. As the primary schools are at capacity it is therefore requested that an education contribution of £171,825 (15 x £11,455) to provide primary provision at Arnbrook Primary Academy to accommodate the additional pupils.

10.3 *Library*

As the development would also impact on the local library service, at an average of 2.4 persons per dwelling, the 72 new dwellings would add 172 to the existing library's catchment area population. Therefore, if this development went ahead a library contribution of £3,293 for the additional stock would be required.

10.4 *Health*

A development of 72 dwellings would result in increased service demand which would not be easily accommodated within existing primary care resources. The proposal would trigger the need to provide health related section 106 funding amounting to £38,831.

- 10.5 The National Planning Policy Framework policy on viability states that decision-taking on individual schemes does not normally require an assessment of viability; however, viability can be important where planning obligations or other costs are being introduced. Where the viability of a development is in question, local planning authorities are encouraged by the NPPF to look to be flexible in applying policy requirements wherever possible.

- 10.6 The Agent submitted a viability assessment with the scheme advising that the scheme could not deliver any affordable housing or any Section 106 contributions. Gedling Borough Council instructed the District Valuer Services (DV) to independently assess the viability of the scheme given the landowner

has identified abnormal costs attached to the construction of the former industrial site with significant engineering costs with the derelict site. In light of the abnormal costs and specific circumstances attached to this scheme the DV concluded that the land value used by the developer was appropriate. Taking into account all the costs associated and other s106 obligations, along with a modest developer's profit, this means the site would be viable with an on-site provision of 4 affordable housing units; 1 affordable rent and 3 intermediate type dwellings. On this basis, it is therefore concluded that the offer of 4 affordable units, plus the s106 obligations totalling £210,656.00 is reasonable and appropriate for this site.

10.7 The mix of housing considered to be the maximum achievable given the viability of the scheme equates to 4 affordable units: 1 affordable rent and 3 intermediate houses.

10.8 I note the assessment by the District Valuer which omitted the library contribution from the assessment. A hierarchy of requirements was established and it was considered, through negotiation with the County Council, that the Education and Health contributions would be of higher priority. Therefore given the issues with viability and the requirement of the NPPF to act flexibly the library contribution would not be sought in this instance. I note that the County Council have reviewed the Viability assessment and would agree that the education contribution would take priority in the hierarchy and they accept that the library contribution should not be sought.

10.9 *Local Labour Agreement*

I note that the development would meet the threshold for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Industry Training Board (CITB). Should planning permission be forthcoming a Local Employment Agreement would be sought through s106 agreement.

11.0 Transport and Connectivity

11.1 When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The proposed development is for 72 residential units with an off street car parking provision of 85 spaces. The application site also contains a total number of off street visitor car parking spaces of 14 spaces. The development therefore makes provision for 99 off street car parking spaces.

11.2 When referring to the Car Parking SPD the allocation of spaces to individual properties generates an additional need for visitor and on-street car parking. I note that the proposed development as submitted would generate a requirement for a total of 108 car parking spaces to account also for the visitors to the site; this equates to a deficit of 9 visitor / unallocated car parking spaces. I would however note that each individual home has provision for at least 1 off street car parking space with some 3 bedroom properties with provision of 2 spaces. I also note that the layout and design of the roads

conform to the 6C's Highways Design Guide, and given the highway width and the areas free from driveways there would be provision for intermittent on-street car parking. I note that paragraph 4.4 of the car parking SPD states that where unallocated requirement can be accommodated on-street, this will be acceptable as long as it does not cause an adverse impact on the free flow of traffic. Given that each residential dwelling has at least 1 off-street car parking space, with over provision in some instances, the availability of visitor spaces distributed across the development and the potential for some on-street car parking, I consider that the development would not give rise to unacceptable car parking that would give rise to highway safety concerns. I also note that the application site is located on a main arterial route into Nottingham City which benefits from very good public transport linages reducing the reliance on private car journeys.

- 11.3 I note the comments from the Highway Authority regarding the location of off street car parking being remote from front doors. I also note that during the processing of the application considerable alterations have been made in light of these comments to create clear and legible pedestrian routes from the parking courts to designated properties. It is also noted that the layout of the scheme results in a large number of property's front elevations facing onto a pedestrian route facing Mansfield Road and that pedestrian access has been provided to these properties to the rear. I consider that appropriate pedestrian routes have been provided to minimise the potential distances from the car parking to the dwellings. There is a maximum distance of 20 metres from the curtilage of the furthest dwelling to the car parking court, and in my opinion this distance would not cause significant harm to the potential occupiers of the dwellings and would not, in my opinion, warrant a refusal of this application.
- 11.4 I note the comments received from the Highway Authority regarding the turning heads at plots 18, 25, 36, and 52 being removed with the footway following continuous alignment. Whilst I note that the Highway Authority is not intending to adopt these areas it would not, in my opinion, materially alter the layout of the development. I consider that these amendments and agreements should be sought directly with the technical officer at the Highway Authority when seeking adoption of the road under s38 of the Highways Act. The applicant has been made aware of the amendments requested and shall account for this when they submit an adoption plan to the Highway Authority.
- 11.5 I note the comments regarding the 'no waiting' restrictions requested along the main access into the site to prevent any undue congestion at this point. Should planning permission be forthcoming I would suggest attaching a condition to any approval requesting a plan showing the details of the 'no waiting at any time' restrictions to be provided prior to the development commencing.
- 11.6 I note that other than the above considerations the Highway Authority raised no objections to the scheme subject to conditions. I am therefore satisfied that the development would not result in any undue highway safety implications.
- 11.7 I note that Nottinghamshire County Council have requested that obligations be requested in the form of a condition attached to any approval. The contributions requested relate to bus stop improvements on Henry Street, to

include real time bus stop pole and displays and to raise kerb boarding points. When referring to the Planning Practise Guidance paragraph 1 'Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind'. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.

- 11.8 The development does not result in the requirement for new infrastructure installations in order for the development to be accessible to public transport linkages. I also consider that the development is not of a scale that should give rise to significant negative impacts on the existing highway infrastructure and public transport linkages. It is therefore my opinion, the request for obligations relating to improvements to existing public transport infrastructure does not meet the tests as set out in the Community Infrastructure Levy Regulations 2010 - Part 11 – in that the improvements are not: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 11.9 I also note that the Highway Authority has requested shared cycle/footway from the application site to the signalised junction with the A60 and Redhill Road. However, I would also note that there is no existing shared cycle/footway provision within the locality from Redhill Road towards the city for the new provision (if provided) to link up with. Given that there is no infrastructure of this kind within the vicinity I do not consider that the provision of an off-site shared cycle/footway would be fairly or reasonable related in scale and kind to the development. I would also note that should the short distance of cycle/footway be provided it would terminate at the signalised junction with Redhill Road and the A60 which would not link the development to existing cycle routes or other local amenities.
- 11.10 I note that the Highway Authority request details of a management company to deal with the future maintenance of the private drive areas. Given that the development would create private drives off the central adopted highway, shared parking courts and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should planning permission be forthcoming details of a Management Company responsible for the upkeep of the access drives, parking courts and areas of open space not within the curtilages of dwellings would be sought via Section 106 Agreement in order to retain an acceptable appearance of the public realm associated with the development.
- 12.0 The impact on neighbouring amenity
- 12.1 Residential amenity considerations relevant to this proposal include the impact from noise generated by the development and the A60 as well as dust, lighting and overlooking. Criterion b. of Policy ENV1 of the GBRLP states that planning permission would be granted for development providing that it would not have a significant adverse effect on the amenity of occupiers of neighbouring properties or the locality in general. Criterion f) of Policy 10 of

the GBACS relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.

- 12.2 I note that the development is bounded by mature trees and the open space adjacent to the nearest residential properties at Lodge Close. Given the distances between the development and the rear boundaries of these properties and that open space is proposed immediately adjacent to these properties that the proposal would not give rise to any undue overlooking, overbearing or overshadowing impact on the residential amenity on these dwellings.
- 12.3 The principle noise sources associated with the development post construction are anticipated to be related to the road traffic, particularly on the A60 Mansfield Road. I note the comments from Public Protection and the associated noise impact assessment and I consider that the proposed mitigation in the form of specialised noise reduction windows to windows in the front elevations of properties fronting the A60 is sufficient to mitigate any potential undue noise impacts. The attached conditions would reference the conclusions of the Noise Impact Assessment to ensure the correct mitigation is installed.
- 12.4 The Gedling Borough Replacement Local Plan does not specify standards for outdoor amenity space for dwellings. Nevertheless, each house benefits from its own private garden and the proposed residential flats are occupied within areas of green space. I would also note that the development would also provide on-site public open space and a Local Equipped Area of Play for the enjoyment of residents.
- 12.5 It is therefore considered that the details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the GBACS.
- 13.0 Open space and recreation
- 13.1 GBRLP Policy R3 requires that residential development on sites above 0.4 hectares should provide a minimum of 10% local open space to serve that development. As the site area for residential development amounts to 1.2 hectares a total of 0.12 hectares of local open space is required.
- 13.2 The SPD for open space provision requires 40% of the minimum 10% open space provision should be informal play area or NEAP. This results in a total requirement for the provision for children and young people of 0.048ha (within the overall 0.12ha requirement).
- 13.3 The layout plan illustrates that the application site can accommodate the minimum requirement of open space provision on site and the layout and makeup of this provision would be sought through s106 agreement in line with the requirements of the SPD.
- 14.0 Air Quality
- 14.1 The NPPF states that: 'Planning Policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking

into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new developments in Air Quality Management Areas are consistent with local air quality action plan’.

- 14.2 The National Planning Practice Guidance (NPPG) launched on 6 March 2014 to support the NPPF contains guidance on air quality. It requires local planning authorities to consider whether development would expose people to existing sources of air pollutants, and/or give rise to potentially significant impact (such as dust) during construction for nearby sensitive locations.
- 14.3 Saved Policy ENV 11 of the GBRLP states that planning permission would not be granted for pollution generating development which would result in an unacceptable risk to the health and safety of residents or users of nearby properties as well as unacceptable nuisance to users or residents. Planning conditions will be imposed if restrictions or mitigation of pollution effects would make a proposal acceptable.
- 14.4 The Scientific Officer has reviewed the submitted air quality assessment (Air Quality Consultants (AQC) ref J2669 Aug 2016). In light of the recommendations made I would attach an informative to any approval to encourage the applicant to consider mitigation in the form of electrical vehicle charging infrastructure, Low NOx Boilers, and Broadband provision.
- 14.5 A condition would also be attached in line with the recommendations requiring a Dust Management Plan to be submitted prior to the commencement of development.
- 15.0 Noise
- 15.1 I note that concerns have been raised with regards to the potential noise from external sources being intrusive to residents of certain properties as outlined in the submitted noise report.
- 15.2 In line with the recommendation a condition would be attached to any approval requiring the glazing and ventilation strategy outlined in the noise report submitted as part of this application to be adopted prior to occupation. I am satisfied that the potential adverse impact from noise can be satisfactorily mitigated using the methodology proposed within the glazing strategy.
- 16.0 Water resources, flood risk and drainage
- 16.1 I note that the application is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. The Environment Agency was consulted on the application. The comments received relate to contamination and shall be dealt with separately within the following chapter.
- 16.2 Given the site’s location in Flood Zone 1, I accept that the proposal is in an area of low probability of flooding and accords with the sequential test for locating development in low risk flood zones, as set out in Policy 1 of the GBACS and Section 10 of the NPPF.

- 16.3 Paragraph 100 of the NPPF states that Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.
- 16.4 Paragraph 103 states: 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere'
- 16.5 The Environment Agency's flood map for surface water flooding indicates that the site is located in an area that has a 'very low' chance of flooding from surface water. However, given that the proposal is for a comprehensive redevelopment of the site careful consideration needs to be given to the impacts of the development on surface water flooding and existing water courses. The Environment Agency advise that the Lead Local Flood Authority (LLFA), being Nottinghamshire County Council, should be consulted on any proposals.
- 16.6 Paragraph 030 of the PPG states that the objectives of site specific Flood Risk Assessments (FRA's) are to establish:
- Whether a proposed development is likely to be affected by current or future flooding from any source;
 - Whether it will increase flood risk elsewhere;
 - Whether the measures proposed to deal with these effects and risks are appropriate;
 - The evidence for the local planning authority to apply (if necessary) the Sequential Test; and;
 - Whether the development will be safe and pass the Exception Test.
- 16.7 Paragraph 031 states: 'A flood risk assessment should also be appropriate to the scale, nature and location of development.'
- 16.8 GBACS Policy 1 reflects the NPPF and requires development to avoid areas of flood risk and not increase the risk of flooding elsewhere and where possible reduce flood risk. GBACS Policy 1 requires all new development to incorporate sustainable urban drainage systems (SuDS).
- 16.9 Following consultation the LLFA accept that the submitted FRA and drainage strategy is generally acceptable, subject to the scheme being implemented in accordance the Flood Risk and Drainage Strategy submitted by Travis Baker Ltd (6 July 2016). In terms of foul drainage, Severn Trent have not raised any objections, therefore there are assumed to be no issues with connecting to foul drainage systems.
- 16.10 Overall, the application site is at low risk of flooding, and an acceptable FRA has been undertaken. Subject to acceptable SuDS details being submitted, the development is acceptable in terms of water resources, flood risk and drainage.
- 17.0 Land contamination
- 17.1 Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any

contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.

- 17.2 Section 11 of the NPPF states at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution.
- 17.3 Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.
- 17.4 There is potential for contamination at the site, however there are no outstanding land contamination concerns, subject to site characterisation and the submission of a remediation scheme for each phase of the development. These details can be secured by condition as recommended by the Scientific Officer.
- 17.5 It is considered, therefore, that the proposed development would accord with Policies ENV3 of the RLP and Section 11 of the NPPF.
- 18.0 Ecology
- 18.1 GBACS Policy 17 seeks to protect local sites of biological importance in line with the hierarchy of designations.
- 18.2 GBRLP Policy ENV 36 requires the decision maker to weigh the reasons for the proposal against local ecological and community value of the site. Where development is permitted a balance is to be struck between the need for the development and ecological interest of the site with damage to be kept to a minimum and mitigation and compensatory measures required where relevant.
- 18.3 The majority of the application site is previously developed brown field land which is not affected by any statutory designations. The most ecologically valuable parts of the site are considered to be the boundaries that are delineated by mature trees and vegetation.
- 18.4 I note that Nottinghamshire County Council Nature Conservation confirms that the application site has limited nature conservation value, and largely proposes to retain the relatively higher value boundary vegetation. I also note that the Arboricultural Assessment is adequate for the purpose of the proposed works to offer protection to the retained trees.
- 18.5 I note the comments received regarding the removal of the trees fronting Mansfield Road due to the overshadowing of properties on the opposite side of the road

18.6 Given the above I am satisfied that the proposed scheme has addressed the impacts on ecology and the existing vegetation that is to be retained I am therefore satisfied that the proposed development accords with the requirements of GBRLP Policy ENV36 and GBACS Policy 17.

19.0 Other Considerations

- 19.1 I note the comments from the dwellings on the opposite side of Mansfield Road and the concerns that have been raised regarding the overshadowing from the existing mature trees on the east boundary of the site and the request to get these trees reduced. However, I note that existing trees are proposed to be retained. Given the potential noise impacts on the proposed properties fronting Mansfield Road, the contribution the trees make to the setting of the development, and the distance to neighbouring dwellings on Charlotte Close I do not consider there to be any adverse impacts from these trees that should be controlled by the implementation of conditions in this instance. I also note that the Arboricultural Officer was consulted on this application and concurs with the findings of the Tree Survey which does not identify any further works to the trees.
- 19.2 I note the comments regarding the impact on existing resources and the potential socio-economic impacts; however, I also note the applicant has agreed to deliver a full contribution of education and health with the affordable housing being reduced to a viable level as discussed in chapters 10.0. It is my opinion that satisfactory contributions have been sought to account for the socio-economic impacts of the proposed development.

20.0 Conclusion

- 20.1 I consider that, on balance, and taking into account the benefits that would be generated as a result of this proposal, it would constitute a sustainable form of development. In reaching this conclusion I have had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made, acceptable. Given the considerations set out in chapters 6.0 – 20.0; above, I consider that it has been demonstrated that, on balance, the planning impacts have been addressed and have therefore been made acceptable, or that such impacts are outweighed by the benefits that result from the scheme.
- 21.2 In conclusion, the development is considered acceptable for the following reasons:
- The principle of residential development is supported in policy.
 - The development would deliver local housing need, contributing significantly to Gedling's requirement to deliver 7,250 homes by 2028.
 - The development is located on brownfield land, avoiding / lessening the need for green belt release in order to deliver the Borough's housing needs, and forms a natural urban extension to Nottingham's urban boundary.
 - Residential amenity would not be significantly adversely affected, although it is considered there may be some impact on amenity

during construction phase, which will be controlled through the implementation of safeguarding conditions.

22.0 Recommendation:

That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as education authority for the provision of / or financial contributions towards; On Site Affordable Housing; Open Space; Healthcare; Education; Management Company for areas of open space / private drives / parking courts not within residential curtilages and not adopted by the Highway Authority; a Local Labour Agreement; and subject to the 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 completed strictly in accordance with the approved plans, application forms, plans and drawing no's: Planning Statement (July 2016); Noise Assessment Report 15/0715/R1; Site Location Plan (3029 01); Design and Access Statement (12/07/2016 ref 3029); Proposed Site Plan (3029-04 Rev U); Bin Collection Plan (3029-16); Road Adoption Plan (3029-17); The Ashby Floor Plans and Elevations (3029-06 Rev B); The Ashby and Ashby Variant Floor Plans and Elevations (3029-13 Rev A); RH2 Floor Plans and Elevations (3029-11 Rev B); RH2 Variant - Floor Plans and Elevations (3029-15); RH2 Floor Plans and Elevations (3029-11 Rev B); RH2 Variant 1 - Floor Plans and Elevations (3029-12 Rev A); The Hardwick Floor Plans and Elevations (3029-08); The Alnwick (Terraced) Floor Plans and Elevations (3029-14); The Alnwick Floor Plans and Elevations (3029-09 Rev B); RH2 Floor Plans and Elevations (3029-12); The Ashby Variant and Bradgate Floor Plans and Elevations (3029-13); Ashby and Bradgate Floor Plans and Elevations (3029-07 Rev A); The Alnwick Floor Plans and Elevations (3029-09 Rev A); Arboricultural Report - July 2016 - (T_EDP2897_01b); Topographical Study (574); Ecological Appraisal June 2016 (EDP2897_02a); Flood Risk and Drainage Strategy (Project No: 15075 - 6th July 2016); Ground Conditions Report (SLR Ref: 415.05614.00001); and the Transport Statement (ADC1321 A).
- 3 Occupation of the proposed dwellings shall not take place until their respective off-street parking areas as shown on drawing number 3029-04 Revision U have been provided.
- 4 Occupation of the proposed dwellings shall not take place until the private drive areas have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

- 5 Prior to the occupation of any dwellings hereby approved the junction to the A60 (the site access) shall be provided strictly in accordance with the approved plan drawing no: Proposed Site Plan (3029-04 Rev U) to the satisfaction of the Highway Authority.
- 6 No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Borough Council. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Borough Council and shall include arrangements for monitoring of progress of the proposals. The approved Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Borough Council.
- 7 Occupation of the proposed dwellings shall not take place until "no waiting at any time" restrictions have been provided on the new access road in accordance with details first submitted to and approved in writing by the Borough Council.
- 8 The development hereby approved shall be constructed strictly in accordance with the information provided within the Flood Risk and Drainage Strategy for the Proposed Residential Development at Land Adjacent to Mansfield Road, Redhill, Nottingham, by Travis Baker Ltd dated 6th July 2016 unless otherwise agreed in writing by the Local Planning Authority.
- 9 The development hereby approved shall be constructed strictly in accordance with the submitted Arboricultural Statement dated July 2016. All tree protection measures stated within the statement must be adhered to. All tree pruning must be carried out in accordance to BS3998:2010. Should the existing boundary treatment require removal prior to the commencement of development, the written approval from the Borough Council should be sought on the Pre Commencement Meeting outlined in the Arboricultural Statement paragraphs 6.7 - 6.10.
- 10 Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until a Dust Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Dust Management Plan should be produced in accordance 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance) and carried out in accordance with the approved plan.
- 11 Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the bricks and tiles to be used in the external elevations of the proposed development. Once approved the development shall be carried out in accordance with these details.
- 12 Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the means of enclosure of the site and precise details of the materials and structure of the retaining walls. Thereafter the means of enclosure shall be erected and retained in accordance with the approved details.

- 13 Before development is first commenced full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Once approved the works shall be carried in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme of works that has been prior agreed in writing with the Local Planning Authority.
- 14 The hard and soft landscaping details to be submitted in relation to condition 13 above shall include the following; proposed finished levels or contours of the site; hard surfacing materials for car parking areas, and other vehicular and pedestrian access and circulation areas; minor artefacts and structures such as column lighting and bollard style luminaries to communal car parking areas; planting plans; written specifications; schedules of plants (noting species, plant sizes and proposed numbers/densities) and a schedule of landscape maintenance for a minimum period of five years from the date that the soft landscape works are completed.
- 15 The development hereby approved shall be completed strictly in accordance with the submitted Noise Report 15/0715/R1/Revision 1 unless otherwise prior agreed in writing by the Local Planning Authority. The Glazing and Ventilation strategy shall be adopted in accordance with the glazing plan illustrated in the noise report figure 15/0715/GM1 and the associated specification outlined in 15/0715/SPC1 together with the ventilation.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure that adequate off-street parking is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 4 In the interest of highway safety.
- 5 In the interest of highway safety.
- 6 To promote sustainable travel.
- 7 To maintain the free-flow of traffic, in the general interest of highway safety.
- 8 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 sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 9 In the interests of good Arboricultural practice.

- 10 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 11 To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 12 To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 13 To ensure that the details of the development are acceptable , in accordance with the aims of Policy 10 of the Aligned Core Strategy and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 14 To ensure that the final form of the development complies with policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 15 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

Notes to Applicant

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application and during Pre Application discussions to address adverse impacts identified by officers to address concerns in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework (March 2012).

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.

Notwithstanding any planning permission if any highway forming part of the development is to be adopted by the Highways Authority the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the 6CsDG.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

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. 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.

Public sewers have statutory protection by virtue of the Water Industry Act 1991, as amended by the Water Act 2003, and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If you require further information, please contact Severn Trent Water on 0116 234 3834.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current highway design guide and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on-site. Correspondence to

the Highway Authority should be addressed to: TBH - NCC Highways (Development Control, Floor 9), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

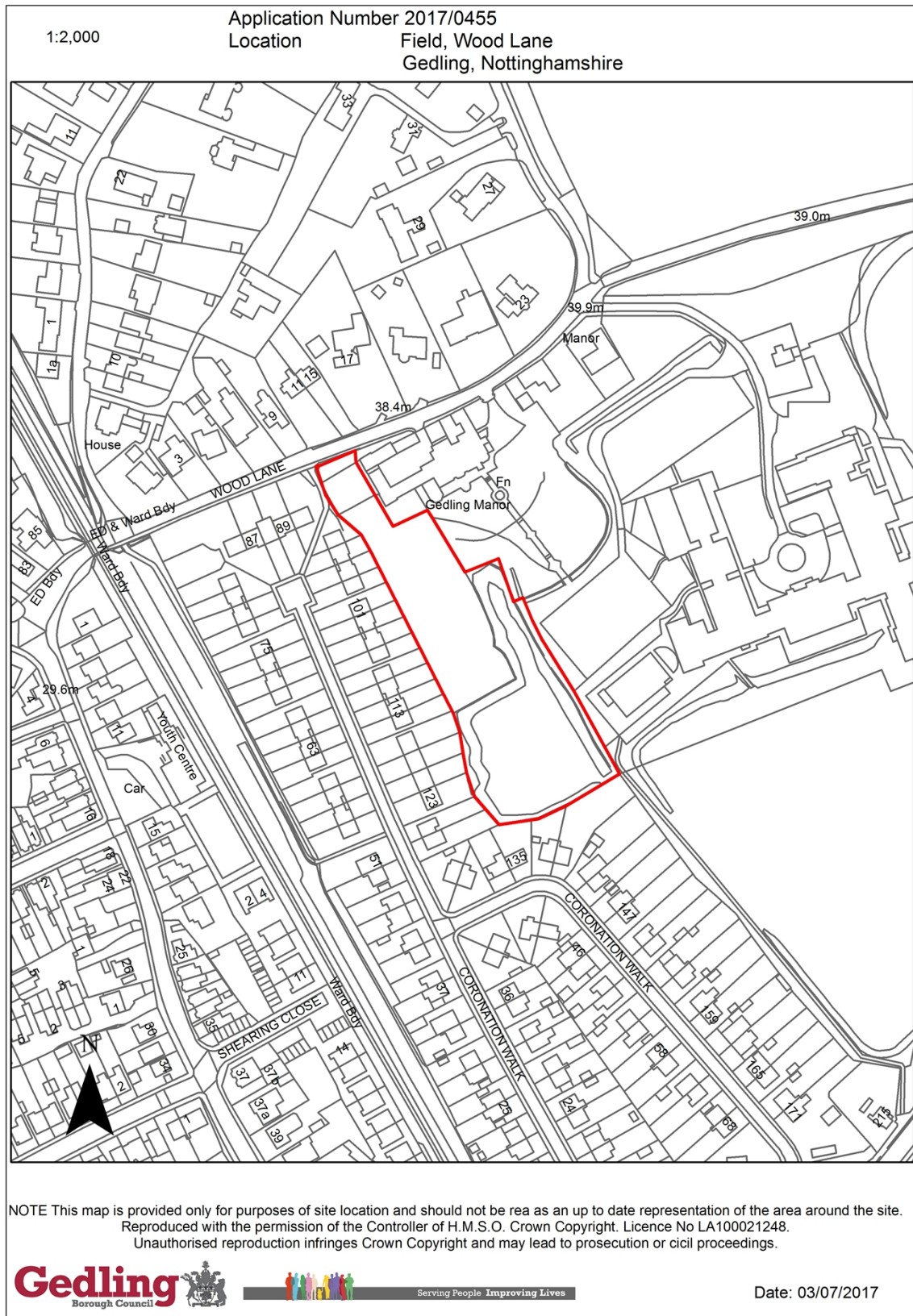
In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake these works you will need to enter into an agreement under Section 278 of the Act. Correspondence to the Highway Authority should be addressed as above.

The proposed off-site highway works referred to in condition 7 require a Traffic Regulation Order (TRO) to be enforceable. The developer should note that the TRO can be made on behalf of the developer by VIA in partnership with Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the Highway Improvements Team on 0300 500 8080 for details.

The applicant is advised to safeguard the land that is required for future development to avoid prejudicing access to the site.

The Borough Council requests that the applicant considers incorporating provision for residential dwellings (with dedicated parking) to have dedicated outside electric power points, to allow residents to charge electric/hybrid vehicles into the future (see IET Code of Practice for EV Charging Equipment Installation). Also, consideration should be given to the installation of Low NOx Boilers: DEFRA, in their document entitled 'improving air quality in the UK' - Tackling nitrogen dioxide in our towns and cities' Dec 2015, are keen to encourage further use of low NOx boilers both in domestic and commercial premises.

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Report to Planning Committee

Application Number: 2017/0455

Location: Field, Wood Lane, Gedling.

Proposal: Residential development of 13 houses.

Applicant: Peter James Homes Ltd

Agent: Stephen George and Partners

Case Officer: David Gray

1.0 Site Description

- 1.1 The application site relates to an area of land measuring approximately 0.73 hectares. The application site is accessed from the south side of Wood Lane adjacent to the Gedling Manor Care home.
- 1.2 The application site has been allocated for housing under Policy H2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014)
- 1.2 The application site was previously mined and as a result has significant level changes of up to 7 metres. The front portion of the site sits at a higher level and is of a similar level to the surrounding area on Wood Lane. The site level drops down to the southern end to a lower position via a very steep slope. The lower level extends into a sunken ravine stretching along the eastern boundary.
- 1.3 To the south and west of the site are the rear garden boundaries of residential properties on Coronation Walk. To the East of the site is Gedling Manor Old Peoples Home and Carlton le Willows Academy.
- 1.4 The south portion of the application site is covered by a Group Tree Preservation Order (TPO) reference G0182. Prior to the submission of this application extensive clearance works were undertaken to mature vegetation that was not covered by the TPO.
- 1.5 Gedling Manor is not a Listed Building but a building of Local Interest with elements of architectural importance. Despite modern alterations the buildings retain decorative breather patterns and brick eaves details.
- 1.5 The area in general is defined by a mixture of architectural styles including small residential bungalows to the south and large detached residential properties set in large grounds to the north of Wood Lane.

- 1.6 The application site is located within the urban residential area and under the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) the site is allocated for housing under Policy H2.
- 1.7 The applicant has identified various constraints on the site which are as follows:
- i. The topography of the site. There is an escarpment cutting through the site creating issues with the levels.
 - ii. Following scientific inspection there is an initial band of land up to and including the escarpment which is hard stand stone and difficult to excavate, with lower sections requiring some fill to enable a more suitable road gradient.
 - iii. Numerous mature trees on site.
 - iv. Drainage, due to the level changes on the site.
 - v. Retaining wall, there would be a number of engineering operations required to develop the site.
 - vi. The irregular shape of the application site.

2.0 Proposed Development

- 2.1 Full Planning Permission is sought for a residential development comprising of 13 detached dwellings, associated roads and driveways, and amenity areas.

2.2 Proposed Dwellings

The proposal is for 13no individually designed detached dwellings. Dwelling types include 3, 4 and 5 bedroom detached family houses ranging from 1,168 sq.ft – 2,426 sq.ft.

2.3 Design Objectives

The Design Objectives forwarded by the agent address:

- Protecting the privacy of neighbouring houses;
- Protecting the existing trees along the eastern and southern boundaries and at the entrance to the site. Incorporating them into the design;
- Replanting the existing hedgerow along the western boundary of the site which would need to be removed during the construction of the new access;
- An internal street layout that gives priority to pedestrians and cyclists;
- Creating active frontages that allow natural surveillance of streets and open spaces;
- Design 2- and 2.5- storey houses and split level homes which respect the existing landform within the site and will suit the vernacular of the area; and
- Creating a development with a distinct character of its own creating a sense of place.

2.4 Access

The site access would be from Wood Lane and the internal roads would be constructed in line with the requirements of the 6C's Highways Design Guide. The site access would be located between Gedling Manor and existing housing that fronts onto Wood Lane. A new 3 bedroom dwelling is proposed to the front of the site to assist in the continuation of the existing streetscene.

2.5 Layout

The access road continues into the site fronted on the east side by 4 and 5 bedroom houses and would be screened to the west, on the other side, from the existing bungalows by a replanted hedge which replaces the existing hedge, which requires removal in order to construct the access road.

The internal road layout continues into the centre of the site to a wider 'square' with houses arranged around it before continuing to the lower portion of the site.

Where refuse bins are not able to be stored in rear garden areas due to level changes, bins would be obscured from view in bin stores.

2.6 Car Parking

3 car parking spaces are provided for each 4 and 5 bedroom dwelling and 2 spaces are provided for the 3 bedroom dwelling. Where garages are proposed their minimum internal dimensions would be 6m x 3m with the required set back from the back edge of the pavement.

2.7 Landscape

With the exception of the existing mature trees around the boundary of the site there is very little vegetation that is to be retained.

A tree survey has been carried out by Mapmatic and forms part of this application.

On plot landscaping to soften the street elevations would be provided with feature trees where appropriate.

3.0 Consultations

3.1 Nottinghamshire County Council (Highway Authority) –

In considering the technical highway aspects of this application the Highway Authority is mindful that in 2008 it considered an application to the County Planning Authority for the construction of new sixth form buildings and a relocation of a workshop building at the Carlton le Willows School. In response to this application the Highway Authority did state that: -

'Any proposal at this location would result in intensification of the junction of Wood Lane/Main Road and Wood Lane itself. The traffic generated by the proposed development would likely be detrimental to road safety due to

increase use of existing roads that afford restricted visibility from accesses and junctions compounded by substandard pedestrian provision and poor road geometry generally. For the reasons as above, this Highway Authority recommends that this application be refused.'

The current proposals for a development of 13 houses would not be of the same scale as the then proposed increase in the school, and the traffic generated by the proposals will be of a much smaller number with flows spread throughout the day rather than concentrated at traditional school start and finish times. In addition analysis of reported accident data going back to 2008 reveals that there have been no reported injuries or accidents.

Given these factors and the fact that the relevant national guidance, the National Planning Policy Framework, has changed considerably since 2008 with refusal on highway grounds being restricted to those instances where the impact can be shown to be 'severe', the Highway Authority, whilst still having concerns regarding any increase in overall flows related to the school, would not be in a position to robustly defend a refusal based upon the increased traffic that a development of 13 dwellings would create and therefore the principle of such a development here is accepted.

Highways – Additional Comments:

The access drive to the development is to remain PRIVATE, and the Gedling Refuse Team has agreed that they will access the site with a smaller refuse vehicle.

For private developments of six dwellings or more, we will serve a notice on the applicant with an assessment of the cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontagers' interests. The cost of this will reflect the cost of the proposed street works and the applicant should construct the works to an appropriate standard. However, because APCs have been served and money has been paid or retained, we are not indicating any future intention to adopt and maintain the street works at public expense.

The applicant should indicate that the development roads are to remain private, and the following information is required: -

- The applicant will be required to deposit a map under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The applicant will be required to provide evidence that they have made clear to potential purchasers of the dwellings on un-adopted roads what the status of the road will mean to them in practice: and
- The applicant will be required to provide evidence that they have secured future maintenance of the roads, for example, a unilateral undertaking under Section 2016 of the TCPA.
- The applicant will be required to indemnify the Highway Authority against future petitioning by residents to adopt the road under Section 37 of the Highways Act where the road joins together two adopted highways; and

- The boundary between the private road and the publicly-maintained highway to be clearly marked by a concrete edging or similar.

The applicant should remember the implications both for themselves and house purchasers if the HA do not adopt the roads, for example:

- Future maintenance liabilities;
- Public liabilities;
- Street cleansing;
- Lack of specific pedestrian facilities;
- Lack of, or poor standard lighting, drainage and so on;
- We have no powers under the Highways Act; and
- The police have not powers to remove obstructions.

The Highway Authority raise no objections subject to conditions to address S278 agreement, drainage plans, visibility splays, hard surfacing of parking and turning areas, wheel washing facilities during construction.

3.2 Waste Services

Following receipt of further information and our subsequent site visit it has been confirmed that the layout with 1:20 incline is acceptable from Waste Services perspective and can be incorporated on an existing bin collection route.

3.3 Nottinghamshire County Council (Nature Conservation) –

No observations received.

3.4 Nottinghamshire County Council (Lead Local Flood Authority) –

The additional information provided in drawings 16041-211A and 16041-241A regarding the surface water drainage are satisfactory.

3.5 Nottinghamshire County Council (Education)

A proposed development of 13 dwellings would yield an additional 3 primary and 2 secondary places.

We would therefore wish to seek an education contribution of £34,365 (3 x £11,455) to provide primary and £34,520 (2 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

3.6 Severn Trent Water –

No observations received.

3.7 Architectural Liaison –

No observations received.

3.8 Arboricultural Officer –

Recent works to trees have taken place to clear small self-set vegetation from within the proposed development site to retain the mature TPO trees growing along the site boundary.

A tree survey in accordance to BS 5837:2012 has been submitted and is adequate at this stage from a tree perspective for consent to be granted conditionally. The following BS 5837:2012 tree survey details should be provided:

- 1) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers.
- 2) Arboricultural Method Statement: to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated.
- 3) Details of any special engineering works and surfacing required near trees.

No objections subject to the further details sought by condition.

3.9 Strategic Housing –

The application site is below the threshold for affordable housing and contributions would not be sought.

3.10 Parks and Street Care –

The application site is above the 0.4 hectare threshold for Public Open Space provision. Given the constraining factors on the site an offsite contribution in accordance with Section 3 of the Supplementary Planning Guidance for Open Space Provision would be required. The contribution should be sought by way of s106 agreement.

3.11 Economic Development –

The size of the development meets the threshold for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Client-Based Approach; Local Client Guidance for England – to be implemented during the term of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training.

3.12 Natural England

No objections.

The proposal is unlikely to affect any statutory conservation sites.

3.13 Public Protection (Scientific Officer)

The applicant has provided 2 reports with the application. Having reviewed the submitted information I can confirm it is satisfactory to assess contamination at the site.

It is requested that a short remediation statement is submitted clarifying the proposals for remedial works, including verification; along the lines of that found in the Geodyne Phase II report. It is therefore requested that a condition is attached to any approval to ensure remediation and subsequent verification details are submitted.

A condition is also requested with regards to the submission of a Dust Management Plan and an informative regarding the consideration of Electrical Vehicle Charging Points.

3.14 Carlton Le Willows Academy

Whilst not opposed to this high quality development, the academy would ask that serious consideration is given to the effect of additional traffic and parking, especially during the construction phase.

To improve safety for students the academy implemented a restriction on vehicular access to the school from 8:15 – 8:45 and 2:45 – 3:15.

It is requested that the suitability of the new entrance to the development on pedestrians is considered appropriately.

3.15 Neighbouring Residents were notified and a Site Notice and Press Notice posted and 27 letters of representation were received as a result. The comments can be outlined as follows: -

3.15.1 Comments Objecting to the Scheme

Highway Safety / Traffic

- Safety concerns raised over the entrance/exit to the application site;
- There is only a very narrow footpath down one side of Wood Lane which has extremely busy pedestrian foot flow with school children. The development would increase the risk to school children due to the increase in car journeys;
- Existing properties on Wood Lane do not have driveways or any off-street parking. Residents therefore park in front of their houses on the road side with no pedestrian footway. This would in turn restrict larger vehicles from entering and existing the site due to cars parked opposite the entrance;
- Concerns raised over the level of car parking provided and potential congestion;
- There is already displacement of vehicles onto Wood Lane by virtue of visitors to the school and teachers parking there;
- There is only pavement on one side of Wood Lane;
- Further development both at construction phase and after occupation would exacerbate an already dangerous situation for road users;
- The railway bridge at the bottom of Wood Lane causes a further bottle neck which endangers pupils;

- The academy recognises the dangers on this part of Wood Lane and encourages parents to drop off on Burton Road;
- There is already a School and Nursery on Wood Lane which generates significant car journeys;
- It would cause a significant safety risks for people trying to enter the house opposite through the pedestrian entrance due to the lack of pavement on this side of the highway;
- Dwellings on the opposite side of the road do not have driveways therefore they park on the road narrowing the carriageway;
- The development does not include any improvements to the existing carriageway of Wood Lane;
- If cars are parked on Wood Lane then refuse lorries will not be able to enter the site;
- There would be significant disturbance from delivery and construction traffic which would obstruct the highway, any permission should consider a condition requiring construction traffic to be parked off street;
- The railway bridge with restricted height creates a bottleneck during busy times.

Neighbouring Residential Amenity

- Plot 1, at the entrance to the application site would overlook the property opposite due to its siting and the positioning of windows;
- The development would have an undue overshadowing and overlooking impact on properties on Coronation Walk backing onto the site;
- Concerns raised over the potential noise from additional road users.

Design

- The house fronting Wood Lane would be out of keeping with the style of dwellings in the area;
- The loss of the woodland has severely impacted on the appearance of the area.

Ecology and Wildlife

- The Green and Wooded environment has been completely destroyed prior to the application being received;
- TPO trees were felled for this development without the correct consents. The remaining trees are dangerous and could fall down.
- The loss of the woodland dramatically impacted on wildlife.

Heritage

- The development would impact on a Grade II Listed Building. The only parking servicing this dwelling is on the road side. The Grade II Listed building would have nowhere to park if the entrance is installed.

Other Considerations

- Previous developments at Carlton Le Willows have resulted in large lorry's causing damage to a private road at the expense of residents. Any approval should be conditioned to restrict large traffic from the top end of Wood Lane;
- The developer should practise good on site management of dust control and wheel washing, noise reduction, no on site burning, and keep to normal working hours;
- The developer should consider providing parking for existing residents to alleviate existing on street car parking.

13.15.2 Comments Supporting the Scheme

- Family homes are needed in the area and the design of the development is good.

4.0 Planning Considerations

4.1 Assessments of Planning Considerations

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

4.3 The relevant national planning policy guidance in respect of this application is set out in the National Planning Policy Framework (March 2012). The core planning principles set out in the guidance is a presumption in favour of sustainable development. In particular the following chapters are relevant in considering this application:

6. Delivering a wide choice of quality homes;
7. Requiring good design.

4.4 Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.

4.5 Gedling Borough Council Aligned Core Strategy (GBACS)(September 2014) which is now part of the development plan for the area. The following policies are relevant: -

- Policy 8 – Housing Size, Mix and Choice.

- Policy 10 – Design and Enhancing Local Identity
- 4.6 Appendix E of the GBACS refers to the saved policies from Adopted Local Plans. The following policies contained within the Gedling Borough Replacement Local Plan (GBRLP) (Certain Policies Saved 2014) are relevant:
- ENV1 – Development Criteria.
 - H2 – Distribution of Residential Development.
 - H7 – Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes.
 - H8 – Residential Density.
 - H16 – Design of Residential Development.
- 4.7 Policy H2 identifies sites through a sequential process where planning permission would be granted for residential development. Criterion a. c. and d. of Policy ENV1 of the Replacement Local Plan are relevant. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.
- 4.8 Design and layout are also considered in criterion a. and b. of Policy H7 and criterion c. of Policy H16 of the Replacement Local Plan. These policies state inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.
- 4.9 Policy 10 of the ACS also looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and the Replacement Local Plan policies.
- 4.10 In respect to car parking, regard should be had to the Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).
- 4.11 The Emerging Draft Local Planning Document (LPD) for Gedling Borough was submitted for examination in October 2016. The Secretary of State appointed an Inspector to determine whether the plan is sound and complies with all legal requirements. Paragraph 216 of the NPPF sets out that from the day of publication weight may be given to relevant policies in emerging plans according to:
- The stage of preparation (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency with the NPPF (the greater the consistency, the greater the weight that may be given).

4.12 Following publication it is recommended that moderate weight can be given the LPD. Relevant policies in the LPD include:

- LPD 4 Surface Water Management;
- LPD21 – Provision of Open Space [limited weight – unresolved objection];
- LPD33 Residential Density [moderate weight – no relevant objections];
- LPD39 – Housing Development on Unallocated Sites. [moderated weight – no relevant objections].
- LPD57 – Parking Standards [unresolved objection but the SPD is already adopted]
- LPD61 Highway Safety [moderate weight – no objection]

4.13 In making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this proposal are: -

- Principle of development
- Effective and Efficient Use of Land
- Ecology / Trees
- The impact on neighbouring amenity
- Masterplan and design
- Transport and connectivity
- Water resources, flood risk and drainage
- Public Open Space
- Heritage and Archaeology
- Other material considerations

Each of the above aspects is considered in detail below.

5.0 Principle of development

5.1 The NPPF attaches great importance to sustainable development. It states: *“Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision”* (NPPF – ministerial forward). This is further confirmed in paragraph 14 which states that – *“at the heart of the NPPF is a presumption of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking”*. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.

5.2 The GBACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes located within and adjoining the Nottingham built up area. In order to meet this target the GBACS

adopts a strategy of urban concentration with regeneration. This means the following hierarchy will be used to identify sites:

- Within or on the edge of the built up area of Nottingham
- Adjacent to the sub regional centre of Hucknall
- Key villages (Bestwood, Calverton, and Ravenshead)
- Other villages.

- 5.3 The proposal is located within the defined urban area of Gedling and, as such, accords with the strategy of urban concentration set out in ACS Policy 2.
- 5.4 The application site has been allocated for housing under Policy H2 of the GBRLP and therefore the principle of residential development on the site is established. The allocation is for 40 homes. The site has been assessed as part of the 2016 review of the Strategic Housing Land Availability Assessment (SHLAA) (site 6/137) identified as an allocation and as such considered suitable and deliverable with a capacity of 13 homes. The reduction in capacity in comparison with the allocation for 40 in the GBRLP reflects the difficult topography of the site and extensive tree cover some of which are to be retained. The site has not been brought forward as an allocation in the LPD2 as it falls beneath the threshold of 50 homes and is considered deliverable due to its sustainable location in an established residential area.
- 5.5 Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a five year supply of deliverable housing sites. The Five Year Housing Land Supply Assessment (2016 as of 31st March 2016) identifies that against the Aligned Core Strategy there is 3.14 years supply of deliverable housing sites within the Borough. The site is anticipated to come forward within the 5 year period and would assist in delivering the required houses in the Borough.
- 5.6 Given the location of the development within the established urban residential area of Gedling and its former allocation for housing under the GBRLP H2, there would be no objection in principle to the residential redevelopment of the site. It is also my opinion that the development would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community. The development is therefore considered acceptable in principle.

6.0 Effective and Efficient Use of Land

- 6.1 The development is to provide 13 residential units on a site of 0.75 hectares, equating to a residential density of approximately 18 dwellings per hectare. Policy H8 of the RLP and LPD Policy LPPD33 sets out residential density requirements of at least 30 dwellings per hectare, and gives support where higher densities are proposed provided that such proposals 'reflect local characteristics and does not harm the character of the area'. The proposed density is considerably lower than 30 at around 18 dwellings per hectare. As highlighted above in the constraints there are numerous abnormalities that restrict the layout and density of this specific site. Whilst I consider that a higher residential density would be Policy compliant, the site constraints such as the narrow site with significant topographical limitations, is not considered conducive to a significantly higher density. I also consider that the character of

the immediate area is defined by larger detached dwellings within large plots. It is my opinion that the site limitations have been demonstrated and specific layout solutions have been incorporated to address site level changes and site specific limitations.

- 6.2 I therefore consider that the development as proposed represents an effective and efficient use of land given the significant topographical limitations of the site.

7.0 Ecology / Trees

- 7.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Policy 17 of the ACS and Section 11 of the NPPF.
- 7.2 Policy 17 of the ACS states that development on or affecting non-designated sites of wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are in place.
- 7.3 Section 11 of the NPPF advises, at paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.4 I note that the application site has no statutory designation as a Local Wildlife Site or as a Site of Importance for Nature Conservation; however, I would note the site is covered in the southern corner by an existing Group Tree Preservation Order (G0182). I also note that prior to the submission of this application the site was cleared of extensive vegetation cover in order to undertake site surveys. The site was inspected at the time of this clearance and the majority of the works was to small self-set vegetation. The works that were undertaken took into account of the existing Group Tree Preservation Order and retained the trees that are listed on the Schedule.
- 7.5 I note that an up-to-date Tree Survey has been submitted in support of this application and that this has been assessed and reviewed by the Arboricultural Officer. Confirmation has been received that the Tree Survey is adequate for the purposes of the application. However, should planning permission be forthcoming a recommended condition should be attached to any approval that following BS 5837:2012 tree survey details that have been provided further details should be sought in relation to: -
1. Tree Protection Plan to graphically show proposed site with retained trees and locations of root protection barriers;
 2. Arboricultural Method Statement to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated;

3. Details of any special engineering works and surfacing required near trees.

- 7.6 I also note that the scheme proposes to retain the mature trees of significant value and a Landscape Scheme can be secured by condition to incorporate native species planting of the new hedgerow and vegetation planting to reduce the impact on ecology and trees as a result of the development.
- 7.7 Overall, mitigation can be secured by condition that can address the loss of the self-set woodland that has previously been cleared and suitable native landscaping can be secured via condition.

8.0 The impact on neighbouring amenity

- 8.1 Individual houses have been arranged within the site so as to minimise the opportunity for direct overlooking, particularly from upper floor windows. The layout of the site as a whole has orientated properties to minimise the potential for overlooking and overshadowing. I note that the rear garden boundaries of plots 11 and 12 would adjoin the rear boundaries of properties on Coronation Walk; I consider the distances between rear elevations are sufficient to prevent any undue overlooking impact. I note that the side elevation of plot 13 would be 5 metres from the shared boundary and 25 metres from the rear elevation of 115 Coronation Walk, however; given that there are no side elevation windows and that the property is set away from the side boundary fence, I am satisfied that there would be no undue overlooking, overshadowing or overbearing impact on neighbouring amenity from this property.
- 8.2 I note the comments received with regards to the potential overlooking from plot 1 to properties on the other side of Wood Lane. However, given the significant distance of approximately 31 metres between the properties, the fact that plot faces onto Wood Lane with a protected tree in the front garden, I do not consider that there would be any undue overlooking from this property to the properties on the opposite side of Wood Lane.
- 8.3 I note the comments with regards to the potential noise impacts from additional road users however; I would not attach significant enough weight to the potential noise from additional traffic to warrant a refusal of this application as this would be minimal.
- 8.4 I also note the comments received with regards to the disturbance and noise during construction, however, I am satisfied that the disturbance from construction can be satisfactory mitigated by use of appropriate Dust Management / Construction Environmental Management conditions attached to this approval.
- 8.5 I am satisfied that the proposed development would not result in any material overbearing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is therefore considered that the indicative details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the GBACS.

9.0 Masterplan and design

- 9.1 Policies ENV1, H7, H8 and H16 of the Replacement Local Plan require development to be of high standard design. The policies require regard to be given to the appearance of the surrounding area, the provision of safe and convenient access and circulation of pedestrians and vehicles, and incorporating crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance and defensible space and well considered layouts and landscaping.
- 9.2 The proposal would provide 13 homes on a site measuring 0.73 hectares, equating to a residential density of approximately 18 dwellings per hectare. I note that this low density is reflected in the surrounding area. Given the site limitations and the character of the area, I consider, the development would be consistent with the pattern of residential development in the area which is characterised by large detached dwellings on large plots.
- 9.3 I note that the design of the proposal incorporates individually designed homes, which given the topography of the site, would in some instances be over constructed over split levels. I consider that the individual, traditionally designed homes would sit well within the context of the development and would create a sense of place with its own identity. The masterplan and Design and Access Statement provide an appropriate framework within to shape a new sense of place that would integrate cohesively to the existing pattern of development.
- 9.4 I note the comments received with regards to the property facing Wood Lane at the entrance to the development being out of keeping with the surrounding area. I also note that the proposed dwelling would be set back from the back edge of the highway with a significant tree to be retained in the front garden that is protected by a Tree Preservation Order. I would note that the entrance to the site would be adjacent to Gedling Manor which has a frontage directly onto the back edge of the pavement and that the area is defined by a mixture of architectural styles. It is my opinion that the traditionally designed gable fronted home facing Wood Lane would sit well with the surrounding area and would not result in an incongruous feature within the existing streetscene.
- 9.5 I am satisfied that an imaginative layout has been achieved. Despite the limited dimensions of the site and the number of properties being proposed, the layout achieves a frontage onto Wood Lane with a sense of place being created with architectural features of merit. I consider that this would ensure a positive contribution to the streetscene.
- 9.6 Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

- 9.7 Given that the development would result in an access road and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should planning permission be forthcoming details of a Management Company responsible for the upkeep of the access drive and open space not within the curtilages of dwellings would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.
- 9.7 In my opinion, the proposed development would also meet the relevant design elements of Policy 10 of the ACS in terms of the positive contribution it would make in the streetscene by virtue of its architectural style, detailing and materials.

10.0 Highway Safety / Transport and Connectivity

- 10.1 I note the comments received regarding the adverse impact that the increased number of dwellings on Wood Lane would have on the level of traffic on Wood Lane and the Highway Safety concerns raised as a result of this. I also note the comments received from the Highway Authority which have accepted that the principle of 13 additional dwellings from Wood Lane is acceptable and would not be able to robustly defend a refusal of the application on Highway grounds.
- 10.2 I also note that the Highway Authority have been not objected to the additional dwellings being accessed from Wood Lane on highway safety grounds or, following confirmation from Waste Services, the 13 dwellings being accessed from a private drive.
- 10.3 I note the comments with regards to the Section 219 to 255 of the Highways Act and the requirements of the Advanced Payment Code (APC) to provide a cash bond for the road for future adoption. I consider this to be a matter to be resolved between the developer and the Highway Authority and would not be material to the grant of this planning permission, however; It is recommended that an informative note should be provided to the applicant should planning permission be forthcoming, advising the applicant of the implications and requirements of the Highway's Act – APC.
- 10.4 When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The proposed development is for 13 residential units within a 'built-up area' with allocated car parking provision in excess of 3 spaces per dwelling when including the garages. When referring to the Parking Provision for Residential Development Supplementary Planning Document (SPD) the developments allocated provision would result in no additional demand for unallocated spaces (on-street car parking) given that the development provides at least 3 off street car parking spaces for each dwelling. The development therefore accords with the SPD.
- 10.5 Given that the Highway Authority have not objected to the proposal on Highway Safety grounds and that the matters relating to the private drive are matters between the applicant and the Highway Authority, I am satisfied, the development can be achieved without any significant adverse impact on

Highway Safety. Whilst I note the comments received from neighbours about the increase risk due to the increased vehicle journeys I note that the Highway Authority would not be in position to robustly defend a refusal based upon the increased traffic that a development of 13 dwellings would create and therefore the principle of such development is acceptable.

11.0 Water resources, flood risk and drainage

- 11.1 I note that the site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. Given that the application site is not over 1 hectare and does not impact on an area at risk of flooding or existing water courses the Environment Agency were not required to be consulted for this development.
- 11.2 Policy LPD 4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 11.3 Paragraph 100 of the NPPF states that: Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.
- 11.4 Paragraph 103 states: ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’
- 11.5 Given that the development is a complete redevelopment of woodland and the potential for increased surface water run-off as a result of the proposed development. I note that surface water drainage plans have been submitted with the application and have been considered acceptable by the Lead Local Flood Authority. In terms of foul drainage, Severn Trent Water have not made any comments, therefore there are assumed to be no issues with connecting to foul drainage systems. The connection to foul drainage systems would however be a Building Regulations matter.
- 11.6 In my opinion, given the site is low risk of flooding and subject to acceptable surface water drainage plans being approved the development is acceptable in terms of water resources, flood risk and drainage.

12.0 Public Open Space

- 12.1 I note that the development would be over the threshold of 0.4Ha and that a contribution towards open space would be required. The necessary improvements to open space can be secured by means of a financial contribution by way of a S106 planning obligation, should members agree with the recommendation, in accordance with Policies 12 and 19 of the ACS and paragraph 204.

13.0 Heritage and archaeology

- 13.1 The NPPF has a number of core principles at paragraph 17, one of which states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 13.2 I note that the property adjacent to the application site is a Local Interest Building and not a Grade II Listed Building. I also note that Gedling Manor over time has been subject to modern alterations. Historic England was not consulted in relation with this application as the development does not impact on a Listed Building. I note the comments received with regards to the impact of the development on a Grade II Listed Building. Given that the site is not within a Conservation Area and that the development is not considered to have an adverse impact on the setting of a Grade II Listed Building I am satisfied that appropriate consultation has been undertaken in this instance.
- 13.3 It is my opinion the development would not adversely affect the setting of any Listed Buildings given the significant distance to the nearest Grade II building, Gedling House (approximately 560 metres to the northeast of the application site). The impact on this heritage asset would be localised to the approach and the development would, in my opinion, not directly impact any important views or vistas leading to or coming from the Listed Building.

14.0 Socio Economic Impacts

14.1 *Education*

I note that the development would be over the threshold of 0.4Ha and a contribution towards education facilities would be required. The necessary improvements to education facilities can be secured by means of a financial contribution as part of a S106 Agreement, in accordance with Policies 12 and 19 of the ACS and paragraph 204.

A proposed development of 13 dwellings would yield an additional 3 primary and 2 secondary places.

The County Council as the Education Authority an education contribution of £34,365 (3 x £11,455) to provide primary and £34,520 (2 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

14.2 *Local Labour Agreement*

I note that the development would meet the threshold for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Industry Training Board (CITB). Should planning permission be forthcoming a Local Employment Agreement would be sought through s106 agreement.

15.0 Other considerations

- 15.1 I note the comments received with regards to the developer providing car parking for existing residents within the application site. However, given the

considerations within chapter 10.0 and that the development over compensates for the off street car parking, in my opinion, the imposition on the development to provide additional car parking for existing residents would not be justified in this instance.

16.0 Conclusion

- 16.1 I consider that, on balance, and taking into account the benefits that would be generated as a result of this proposal, it would constitute a sustainable form of development. In reaching this conclusion I have had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made, acceptable. Given the considerations set out above, I consider that it has been demonstrated that, on balance, the planning impacts have been addressed and have therefore been made acceptable, or that such impacts are outweighed by the benefits of the scheme.

Recommendation:

GRANT FULL PLANNING PERMISSION subject to the applicant entering into a Section 106 planning obligation with the Borough Council as Local Planning Authority and Nottinghamshire County Council for the provision of / or financial contributions towards: Public Open Space; Education; Management Company for Maintenance of access road and areas of open space not within residential curtilages; A Local Labour Agreement and 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 permitted shall be constructed strictly in accordance with the Application Forms and the following approved and revised plans submitted with the application, drawing numbers: Existing Site Plan (P002 P); Proposed Site Elevations (P004); Plot 1 Floor Plans (P100); Plot 1 Elevations (P101); Plot 2 Floor Plans (P102); Plot 2 Elevations (P103); Plot 3 Floor Plans (P104 Rev A); Plot 3 Elevations (P105); Plot 4 Floor Plans (P106); Plot 4 Elevations (P107); Plot 5 Floor Plans (P108); Plot 5 Elevations (P109); Plot 6 Floor Plans (P110); Plot 6 Elevations (P111); Plot 7 Floor Plans (P112); Plot 7 Elevations (P113); Plot 8 Floor Plans (P114); Plot 8 Elevations (P115); Plot 9 Floor Plans (P116); Plot 9 Elevations (P117); Plot 10 Floor Plans (P118); Plot 10 Elevations (P119); Plot 11 Floor Plans (P120); Plot 10 Elevations (P121); Plot 12 Floor Plans (P122); Plot 12 Elevations (P123); Plot 13 Floor Plans (P124); Plot 13 Elevations (P125); Detached Garage (P126); Proposed Private Levels Sheet 1 (16041-210); Proposed Private Levels Sheet 2 (16041-211); Private Drainage Layout Sheet 1 (16041-240); Private Drainage Layout Sheet 2 (16041-241); Exploratory Hole Location Plan (36011/DRAFT); Swept Paths - Refuse Vehicle (16041-03B); Geodyne Contamination Survey (38011/DRAFT & TP1 & WS13); Drainage and Water Report (SF23263878000); Roads, Footpaths and Verges Plan (78724673_1_1); Topographical Survey (0001); Emec Ecology Biodiversity Study

(8518/SG/16); Design and Access Statement (March 2017); Proposed Site Layout (P003 Status P); Location Plan (P001); Tree Survey (October 2016); Proposed Private Road Long Sections.

- 3 No part of the development hereby permitted shall be brought into use until the access has been constructed as per plan reference 10641-01 Rev H. These access works are proposed on land which falls outside the applicant's control, and is subject to the provisions of the Highways Act 1980. To be able to carry out these works on the Public Highway the applicant will need to enter in a S278 legal agreement with the County Council as Highway Authority.
- 4 No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with plan reference 10641-01 RevH. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.
- 5 No part of the development hereby permitted shall be brought into use until the access drive and internal access drives/ parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the access driveway and internal access driveways/ parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 7 No development hereby permitted shall commence until wheel washing facilities have been installed on the site. 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 mud, dirt or other debris is discharged or carried on to a public road.
- 8 Before development hereby approved is first commenced full details of both soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (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 implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 9 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 9, 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 Borough Council 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 otherwise prior agreed in writing by the Borough Council.

- 10 Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the bricks and tiles to be used in the external elevations of the proposed development. Once approved the development shall be carried out strictly in accordance with these details, unless otherwise agreed in writing by the Borough Council as the Local Planning Authority.
- 11 Prior to the development hereby approved commencing (including site preparation) a tree protection plan and an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority, which shall include: (i) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers; (ii) Arboricultural Method Statement: to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated; and iii) Details of any special engineering works and surfacing required near trees; in accordance with BS5837:2012.
- 12 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) for the development shall 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.
- 13 In the event that remediation is required to render the development suitable for use, the remediation scheme approved pursuant to condition 12 shall be implemented strictly in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of Highway safety.
- 4 To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.

- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 6 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 7 In the interests of Highway safety.
- 8 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy.
- 9 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy.
- 10 To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 11 To ensure satisfactory development, in accordance with the aims of Policy 17 of the Gedling Borough Council Aligned Core Strategy.
- 12 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 13 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate. In the opinion of the Borough Council, the proposed development accords with the relevant policies of these frameworks and plans.

Notes to Applicant

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

In order to carry out the off-site 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 Daniel Sullivan on 0115 for details.

Your attention is brought to the recommendations of the Highway Authority. The plans submitted are not to an adoptable standard therefore the road will always remain Private. For private developments with six building frontages or more, it is required under Sections 219 to 225 of the Highways Act to serve a notice on the applicant with an assessment of the full cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontage's interests. The cost of the APC notice will reflect the full cost of the proposed street works likely to be required to complete the works to an adoptable standard and must be paid in cash and not by bond. The requirement for an APC notice can only be removed by entering into a S38 agreement to have the road adopted. However as the road layout is not to adoptable standards and the ownership unknown, it cannot therefore be adopted. However, just as the APC would be served and money paid or retained, the Highway Authority are not indicating any future intention to adopt and maintain the street works at public expense.

Your attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how to decrease levels by incorporating mitigation measures into scheme design as standard. (see:

<http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. Reference can be made to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

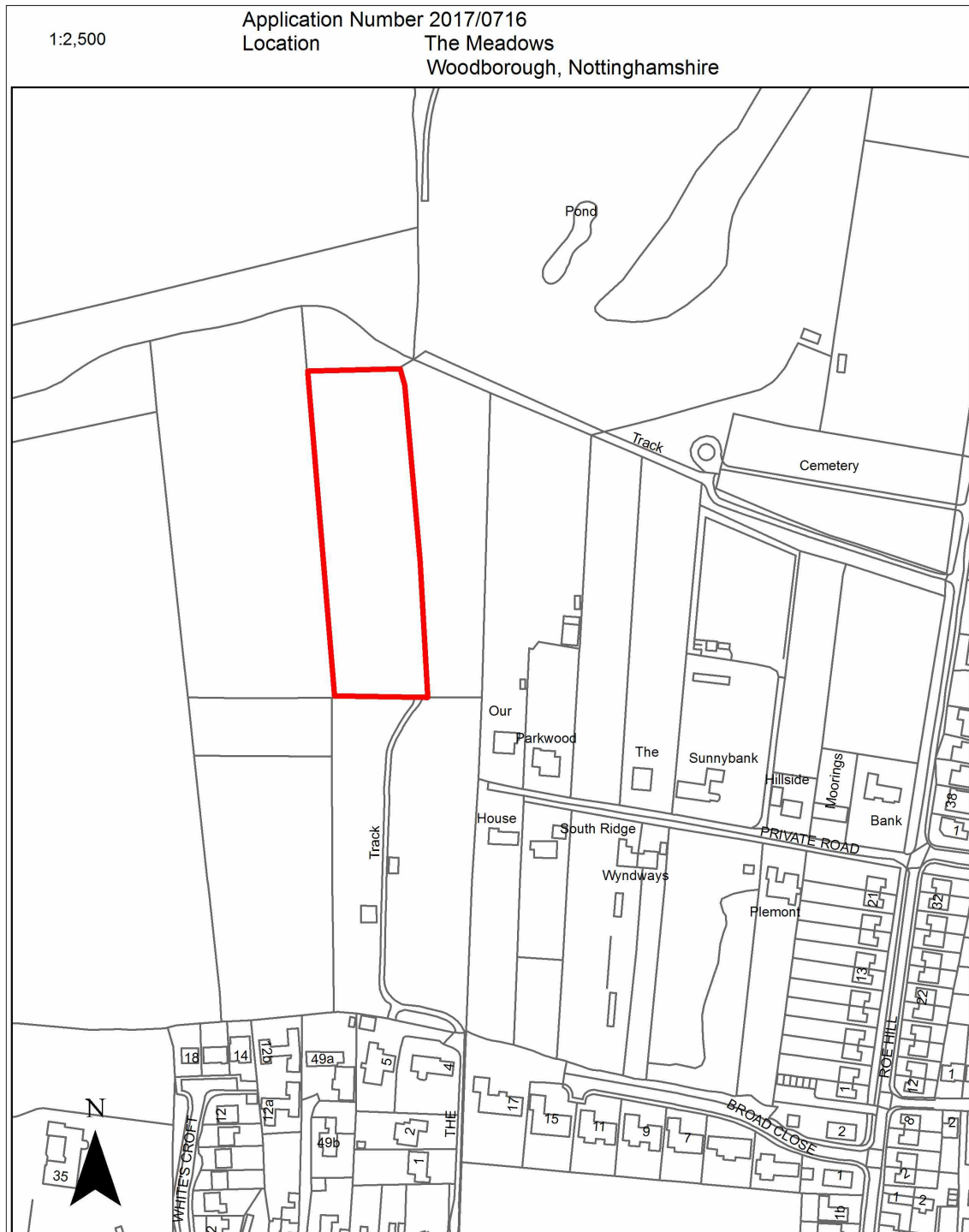
No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address adverse impacts identified by officers to address concerns in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework (March 2012).

Your attention is brought to the implications of the private drive for future occupiers if the roads are not adopted. (i) Future maintenance liabilities; (ii) Public liabilities; (iii) Street cleansing; (iv) Lack of pedestrian facilities; (v) Lack of / or poor standard of lighting and drainage; (vi) Nottinghamshire County Council have no powers under the Highways Act; (vii) The police have no powers to remove obstructions.

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. 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.

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NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2017/0716

Location: The Meadows, Woodborough, Nottinghamshire.

Proposal: Removal of hedgerow approx. 150 metres in length.

Applicant: Mr Charles Holehouse

Agent:

Case Officer: Lewis Widdowson

Site Description

This application proposes the removal of approximately 150 metres of hedgerow located within arable fields north of Woodborough. The hedgerow has been identified in red on an attached plan, with grid references Eastings 462819 and Northings 348175.

The nearest residential dwellings are situated approx. 80 metres to the southeast whilst Springwater Golf Club is located approx. 100 metres to the northeast.

Relevant Planning History

On the 21st October 2015 Gedling Borough Council received a complaint that a hedgerow and sycamore tree directly to the south of the application site had allegedly been removed without authorisation.

The Enforcement Officer attended site and discussed the works which had been carried out with the land owner. The landowner explained that works were carried out to clear drainage ditches throughout the site. The Enforcement Officer advised the landowner not to remove any more hedgerows without first obtaining the appropriate permission from Gedling Borough Council.

Proposed Development

This application notifies the Borough Council that the applicant intends to remove a section of hedgerow measuring approx. 150 metres in length. The hedgerow comprises of a mixture of species including hawthorn (*Crataegus monogyna*), elder (*Sambucus nigra*) and field maple (*Acer campestre*) amongst others.

There is a shallow ditch which runs along the length of the hedgerow that the applicant intends to dredge following the removal of the hedgerow.

As part of the proposal a significant amount of tree planting is proposed to the northern end of the field in which the hedgerow is located. This includes the planting

of a new hedgerow which would be orientated from west to east along the southern edge of the new tree planting area.

A Protected Species Survey was submitted on the 28th July 2017 in response to the comments made by the Nottinghamshire County Councils Senior Nature Conservation Officer.

Consultations

Nottinghamshire County Council (Forestry Officer)

- Satisfied that subject to there being no Scheduled Monuments or Archaeological Features present on site, the hedgerow does not meet the criteria for an 'important' hedgerow.

Nottinghamshire County Council (Nature Conservation Officer)

- Initially the Nature Conservation Officer stated that it would not be possible to categorically say if the hedgerow supports protected, endangered or vulnerable species. The applicant was therefore advised to carry out an ecological assessment. Subsequently a Protected Species Survey was carried out by EMEC Ecology.

Further comments were received by the Nature Conservation Officer confirming that the survey showed no evidence and little potential for protected species. It was also noted that the species of trees to be planted to the north of the hedgerow should be selected with reference to section 6.2.1 of the EMEC report. The new proposed hedgerow should be at least 60% hawthorn and contain other species within the list provided by EMEC, excluding hornbeam.

Comments were received by Woodborough Parish Council.

- Members of the Parish Council were concerned the hedgerow existed prior to the Enclosures Act 1795 and as such should be considered 'important'.
- The application form refers to a hedgerow measuring approx. 75 metres however this does not appear correct.
- Should permission be granted, a condition should be attached to retain the existing ditch.

The following comments were received by a neighbouring resident.

- The hedgerow appears to be a hedge which pre-existed the Enclosures Act 1795.

Planning Considerations

Under the Hedgerow Regulations 1997 a countryside hedgerow is protected if it is on or next to:

- Land used for agriculture or forestry
- Land used for keeping horses, ponies or donkeys
- Common land

- A village green
- A site of special scientific interest
- A protected European site such as a special area of conservation or special protection area
- A national nature reserve
- A local nature reserve
- A public right of way
- Crown land.

In this instance, the hedgerow is situated on land currently used for agriculture and is therefore deemed protected. Subsequently, the Regulations require the importance of any protected hedgerow to be determined against the following criteria:

Criterion 1 - The hedgerow marks the boundary, or part of the boundary, of at least one historic parish or township; and for this purpose “historic” means existing before 1850.

Criterion 2 - The hedgerow incorporates an archaeological feature which is -

- a. included in the schedule of monuments compiled by the Secretary of State under section 1 (schedule of monuments) of the Ancient Monuments and Archaeological Areas Act 1979(g);

or

- b. recorded at the relevant date in a Sites and Monuments Record.

Criterion 3 - The hedgerow –

- a. is situated wholly or partly within an archaeological site included or recorded as mentioned in paragraph 2 or on land adjacent to and associated with such a site ; and
- b. is associated with any monument or feature on that site.

Criterion 4 - The hedgerow -

- a. marks the boundary of a pre-1600 estate or manor recorded at the relevant date in a Sites and Monuments Record or in a document held at that date at a Record Office ; or
- b. is visibly related to any building or other feature of such an estate or manor.

Criterion 5 - The hedgerow is part of a field system or looks to be related to any building or other feature associated with the field system that existed before the Inclosure Acts.

Criterion 6 - There is evidence the hedgerow contains protected species as listed in the Wildlife and Countryside Act 1981.

Criterion 7 - It is evident the hedgerow contains species that are endangered, vulnerable and rare and identified in the British Red Data books.

Criterion 8 - The hedgerow contains a certain number of woody species (<http://www.legislation.gov.uk/ukxi/1997/1160/schedule/3/made>) and associated features

(<http://www.legislation.gov.uk/ukxi/1997/1160/schedule/1/made>) as specified within the regulations.

In order to be considered 'important' a protected hedgerow must be a minimum of 30 years old and meet at least one of the above criteria.

With regards to the hedgerow identified in this application, I am satisfied the hedgerow is over 30 years old and have made the following assessment against each of the above criteria:

Criterion 1 - Having assessed historical maps I am satisfied that the hedgerow does not mark the boundary of a parish or township which existed pre-1850. I therefore consider the hedgerow does not meet Criterion 1.

Criteria 2 and 3 - There are no archaeological sites or scheduled monuments to be found within the application site. As such I am satisfied the hedgerow does not meet Criteria 2 and 3.

Criterion 4 - Whilst assessing the application it was, in my opinion clear, through the use of historic maps that the hedgerow did not exist prior to 1600. I am also of the opinion that the hedgerow is not clearly related to any estate or manor feature. In light of the above I am satisfied that the hedgerow does not meet Criterion 4.

Criterion 5 - Despite being satisfied the hedgerow did not exist prior to 1600 it was slightly less evident whether or not the hedgerow pre-dated the Inclosures Act. An Inclosure award was granted in Woodborough between 1795-1798. Concerns were raised by the Parish Council and a neighbouring resident that the hedgerow might pre-date this act, however, after comparing maps which detail Inclosure fields from 1795 and historical maps from 1880 it is considered that the hedgerow did not exist prior to 1795. The hedgerow referred to in this application was clearly evident on the map dated 1880, yet when assessing the earlier map from 1795 the same hedgerow is not visible. To this end I am satisfied the hedgerow did not pre-date the Inclosures Act and therefore does not meet Criterion 5.

Criteria 6 and 7 - In terms of Criteria 6 and 7 further information was requested by the Nature Conservation Officer. An ecological survey prepared by EMEC Ecology was submitted on the 28th July 2017. As well as carrying out a Protected Species Survey, a Hedgerow Evaluation and Grading System (HEGS) was also undertaken. The report concludes that there was no evidence of amphibians, badgers, bats, nesting birds, and / or reptiles within the hedgerow and I am therefore satisfied that the hedgerow does not meet Criteria 6 and 7, a view supported by the NCC Nature Conservations Officer.

Criterion 8 – In this instance, in order to be considered important, the hedgerow would require six woody species and at least 3 associated features. Whilst the survey states the hedgerow comprises of six woody species it contained only 2 associated features; a ditch which is present along the length of the hedgerow, and gaps over no more than 10% of the hedgerows length. As such it did not demonstrate the required number of associated features to qualify as an important hedgerow. I am therefore satisfied the hedgerow does not meet Criterion 8.

In conclusion, whilst the hedgerow is protected and is older than 30 years, it is my opinion that it does not qualify as an important hedgerow as it does not meet any of

the aforementioned criteria. This decision confirms the results of the HEGS assessment carried out within the applicants Protected Species Survey. As such, it is determined that a Hedgerow Retention Notice should not be issued in this instance.

Recommendation:

Grant consent for the Removal of Hedgerow.

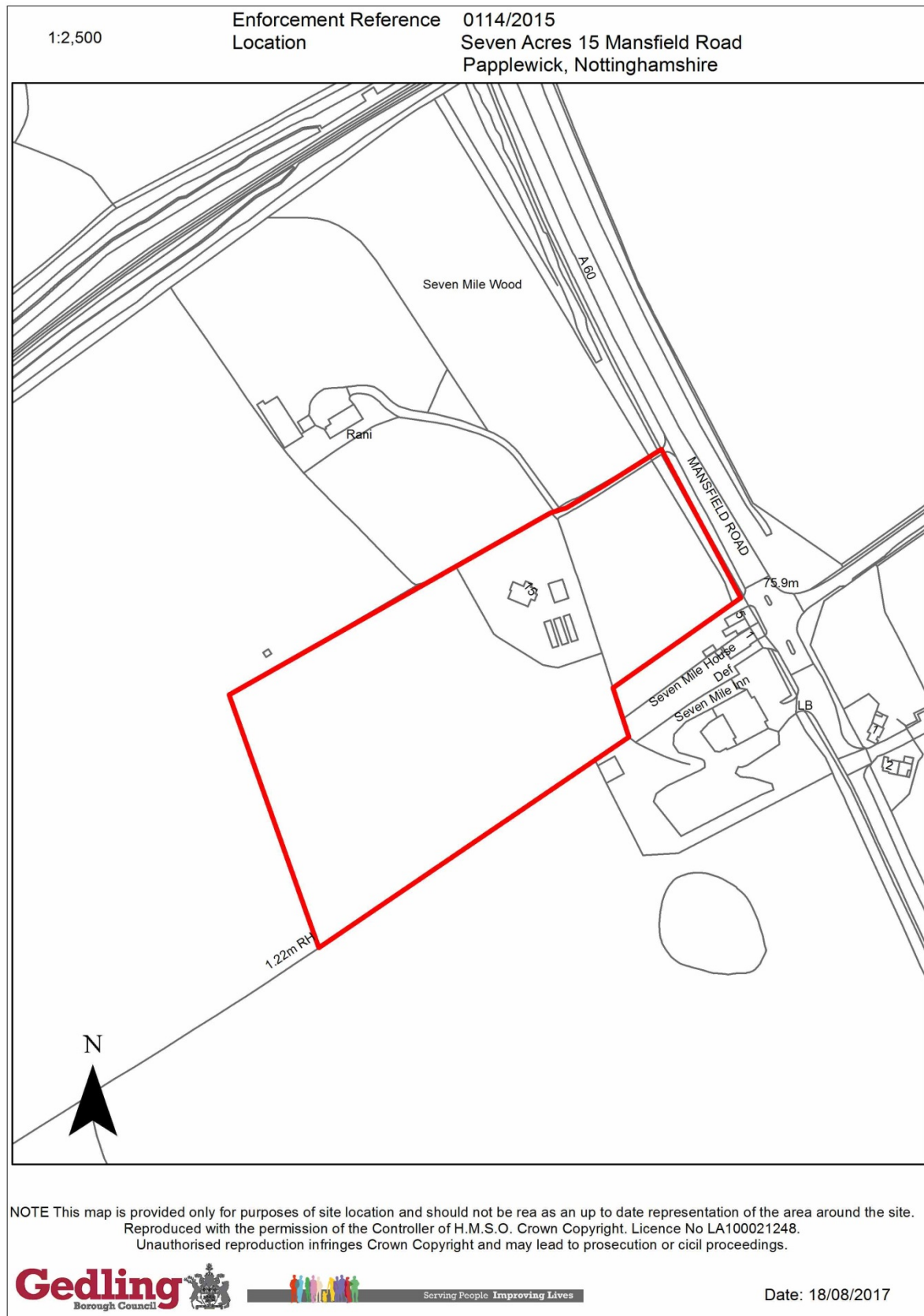
Reasons for Decision

In the opinion of the Borough Council the proposed development does not qualify as an important hedgerow as outlined in the Hedgerow Regulations 1997. As such the proposed removal of the hedgerow is considered acceptable and a Hedgerow Retention Notice shall not be issued.

Notes to Applicant

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

Your attention is drawn to the attached comments from the Nottinghamshire County Council's Senior Practitioner for Nature Conservation with regards to the proposed replacement hedgerow and tree planting.



Report to Planning Committee

Reference: 0114/2015

Location: Seven Acres, 15 Mansfield Road, Papplewick,
Nottinghamshire.

Breach of Planning: Material Change of Use

1 BACKGROUND

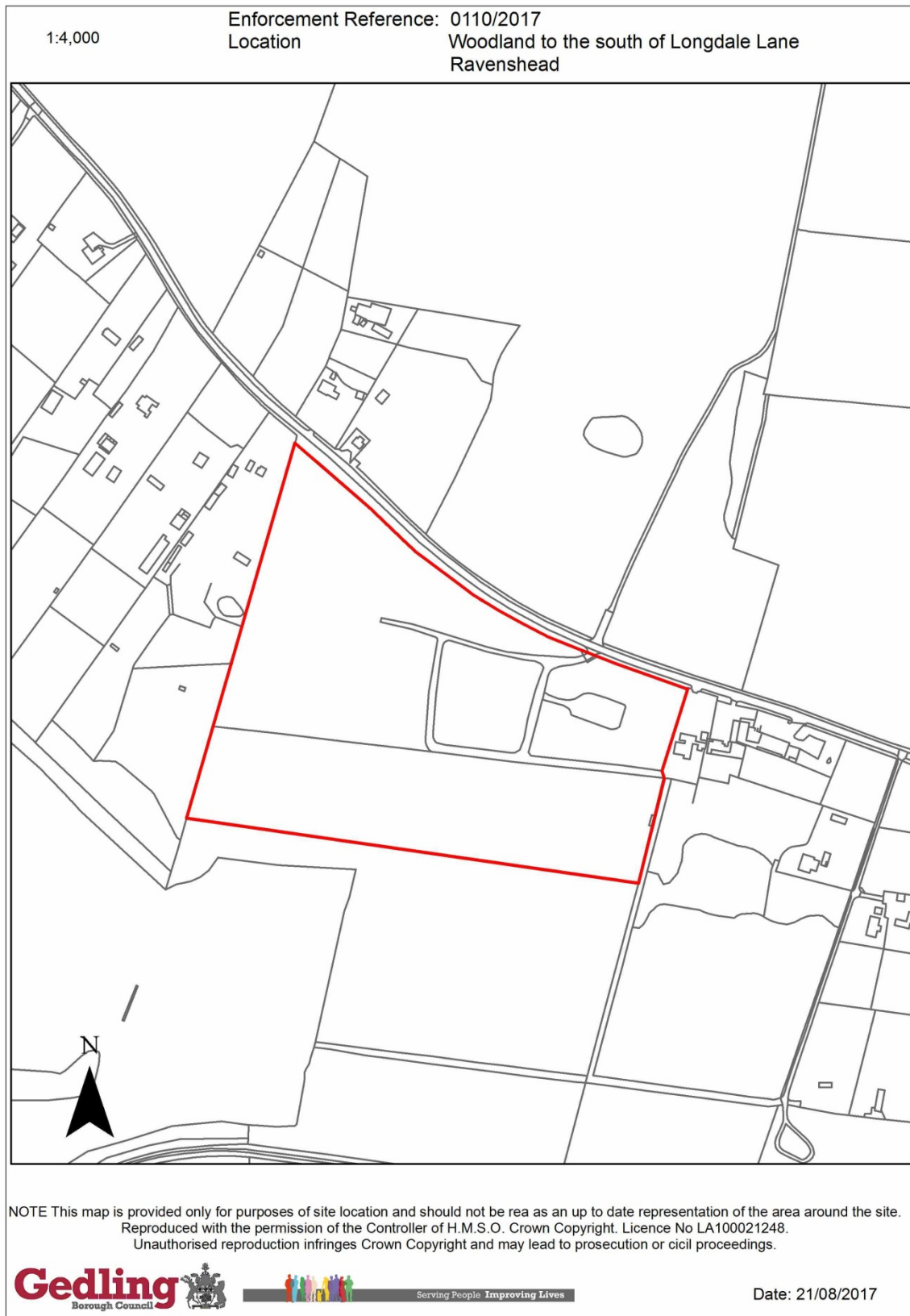
- 1.1 Members will recall the report presented to them at June's Planning Committee meeting about a material change of use of land for caravan storage at a site known as Seven Acres, 15 Mansfield Road, Papplewick.
- 1.2 At the meeting Members resolved that the Service Manager, Development Services be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts in conjunction with the Director of Organisational Development & Democratic Services to ensure the cessation of the caravan storage.
- 1.3 A plan accompanied the report indicating the area where the caravan storage is currently taking place. However, it is recommended the entire land ownership is shown on a plan attached to an enforcement notice which involves a case of a material change of use. This is to ensure the perpetrator is prevented, in this case, from moving the caravans from the current position to other areas of land within their ownership in a game of 'cat and mouse'.
- 1.4 The enforcement notice has been served but it has recently come to the Council's attention the parcel of land owned by the alleged perpetrator is larger than shown on the plan presented to the Committee in June. As a result the notice has been withdrawn temporarily to allow Members to consider the full extent of land ownership.
- 1.5 The purpose of this report is to present to members with an updated plan showing the extent of the land ownership and to request Members to confirm their previous resolution while extending the authority to serve an enforcement notice the larger parcel of land. The notice will then be re-issued immediately.

2 Recommendation

- 2.1 That the Service Manager, Development Services in conjunction with the Director of Organisational Development & Democratic Services be authorised to take all enforcement action including the service of any necessary enforcement notices

and proceedings through the courts to ensure the cessation of the caravan storage.

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Report to Planning Committee

Reference: 0110/2017

Location: Woodland to the south of Longdale Lane, Ravenshead

Breach of Planning: Unauthorised development, engineering works and tipping

1 Background

- 1.1 This matter relates to unauthorised development, engineering works and tipping on a site of approximately 9.6 hectares of woodland to the south of Longdale Lane, Ravenshead and to the east of Ravenshead Village and approximately 150 metres to the west of Rigg Lane crossroads with Longdale Lane.
- 1.2 The Land lies within an area of countryside and also within the Nottinghamshire Green Belt. In addition it is part of a designated Site of Nature Conservation Interest. The area is extremely rural although at intervals there are some large detached dwellings in generous well screened secluded gardens along the south side of Longdale Lane.
- 1.3 In February 2008 conditional planning permission was granted to the land for the re-establishment of an existing vehicular access into the woodland used for general management works and husbandry (Planning reference 2007/0988).
- 1.4 On 15th June 2010, a Prior Notification application for forestry development was received by the Council from the land owner (Reference 2010/0527). The application was made seeking confirmation that the erection of three forestry buildings would constitute permitted development under the provisions of the Town and Country Planning General Permitted Development Order 1995 (GPDO); Schedule 2, parts 6 & 7; which relates to agriculture and forestry permitted development.
- 1.5 On 7th July 2010, consent was given by the Council under the GPDO for the forestry buildings and the first building was erected in the summer of 2013 but no start was made on the other buildings.
- 1.6 On the 28th February 2017, a pre application enquiry was received for the land from a planning consultant acting on behalf of the owner. (Reference

2017/0462PRE). The enquiry proposed 3 agricultural buildings and a secondary vehicular access into the site.

- 1.7 A response was sent to the applicant on the 20th April 2017 advising the General Permitted Development Order (GPDO) approval given under reference 2010/0527 had lapsed due to the conditions attached to the GPDO which required the development to be “carried out” within a period of 5 years from the date approval was given.
- 1.8 In May 2017 it came to the Council’s attention that despite this advice works had commenced on site to construct the second building. Officers attended at the site and it was noted a water supply had been brought to the development site, cavity wall foundations had been laid and excavation works had been carried out in preparation for a new access from the new building to Longdale Lane. In addition a large amount of hard-core had been tipped on the land to make a hard standing in front of the new building.
- 1.9 On the 26th June 2017, a planning application was received for a change of use of the previously erected existing forestry building to allow it to be converted for 2 holiday lets.
- 1.10 A further visit was carried out to the site by officers on Wednesday 2nd August 2017 when they met the owner and planning consultant who advised officers the existing barn was redundant and they believed they could still build the other two barns under the GPDO consent received in 2010. The planning consultant and the applicant have been advised in writing this is not the case and all work should cease as it is not permitted development and requires planning permission.

2 ASSESSMENT

- 2.1 The 2010 application made under the GPDO proposed each of the three forestry buildings would measure 24.6m in length X 12.6m in depth and a maximum ridge height of 7.3m. It was claimed these buildings were necessary for the forestry business and they would be used for the storage of woodland machinery and logs as part of the woodland management scheme. The applicant claimed there would be up to “200 tonnes of wood stored in each barn at any one time, along with plant and machinery needed for the upkeep and ongoing maintenance of the woodland, i.e. JCB digger, 3 tonne tipper lorry, 2 tonne dumper truck, chipping machine and various chain saws and tree felling equipment”.
- 2.2 The 2010 application made it clear the applicant was requesting a determination by the Council under ‘prior notification’, General Permitted Development Order 1995 (GPDO); The Notice of consent from the Council dated 7th July 2010 also makes it clear that the proposal was considered and

determined under the GPDO. It was also clear from the Council's Notice this was not a free standing planning permission but relied on the terms and conditions of the GPDO.

- 2.4 The first building was erected in the summer of 2013 but no start was made on the other buildings. An aerial photograph taken between June and July 2016 shows no evidence of the foundations to implement the two additional forestry buildings at that time. The works on site must therefore have commenced sometime after July 2016.
- 2.5 The first matter to consider is whether the second and third barn still benefits from the 2010 GPDO prior approval notification and consent. Schedule 2 of the GPDO, Parts 6 & 7 allows certain development to take place on land used for the purposes of forestry, providing it is "reasonably necessary for those purposes" and subject to a number of conditions including that an application is submitted as a 'Prior Notification' and the development is 'carried out' within a period of five years.
- 2.6 The owner of the site has stated the forestry business is very small scale and only employs four people, one day a week between September and March and only two people, one day a week between March and September. In addition, as the owner already has a forestry building on the site which he claims is now redundant and he wishes to convert it for holiday accommodation it is difficult to agree further buildings are 'reasonably necessary' for the forestry purposes of the site and so, the additional barns fail to comply with the requirements of the GPDO on this point.
- 2.7 It is also considered the GPDO approval given in 2010 has lapsed due to the conditions which require the development to be carried out within 5 years from the date the approval was given. The words "carried out" are not specifically defined in the GPDO. However, the Government has distinguished between the requirement to 'commence' development and the requirement to 'carry out' the development. This is demonstrated in that some permitted development rights and all development granted as an express planning permission must be 'commenced' within a specific time period but in situations where Prior notification applications are submitted under parts 6 & 7 of the GPDO 1995 the words 'the development must be carried out' are used.
- 2.8 Where a word is not defined in the legislation or case law then under the ordinary rules of construction the courts would look at the ordinary every day meaning of the word and the words 'carried out' means more than simply commencing the works and is more akin to completing or finishing the works.
- 2.9 A previous appeal case, (Appeal Reference APP/G2245/X/11/2149931 – Sevenoaks District Council – Land at Puckden Wood, Chiddingstone Hoath, Edenbridge, Kent) supports this view when the Inspector determined the

words 'carried out' should be given their "normal meaning" which includes "something that has been done".

- 2.10 Having reviewed the conditions attached to the GPDO it is considered the additional buildings are not necessary for the forestry business and in any case, the consent has lapsed as it is more than 5 years since the consent was granted and the buildings have not been completed ("carried out") within the specified time scale.
- 2.11 As the development fails the conditions of the GPDO the unauthorised works must then be considered against relevant planning policies and whether, if an application is received, is planning permission likely to be granted. The following policies have been considered;
- Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) referred to as the GCRP
 - Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan referred to as the ACS
 - National Planning Policy Framework referred to as the NPPF.
- 2.12 The land lies within the Nottinghamshire Green Belt and it is part of a designated Site of Nature Conservation. The main considerations in deciding whether planning permission would be granted and whether to take enforcement action in this case is whether the development is acceptable in the Green Belt and on land which is part of a designated Site of Nature Conservation Interest based on both national and local policies.
- 2.13 Policy ENV1 (Development Criteria) of the Gedling Borough Council Replacement Local Plan (GCRP) (Certain Policies Saved), states:-
- 'Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:
- a). it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
 - b). it would not have a significant adverse effect on the amenities of adjoining development or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- 2.14 These large and substantial brick and breeze block built structures, new access road and hard standing in the open countryside and Green Belt are out of character with this rural location and appear as an incongruous feature in the Green Belt and are therefore contrary to Policy ENV1.

- 2.15 Policy ENV36 (Local Nature Conservation Designations) of the Gedling Borough Council Replacement Local Plan (GCRP) (Certain Policies Saved), states:-

“In considering proposals which may have an adverse effect upon a Local Nature Reserve (LNR), Site of Importance for Nature Conservation (SINC) or a Regionally Important Geological Site (RIGS), the Borough Council will weigh the reason for the proposal against local ecological and community value of the site and the need to maintain biodiversity. In evaluating proposals, consideration will be given to: -

- The impact the long-term ecological viability of the habitat;
- The impact on the public’s enjoyment of the site;
- Measures taken to minimise damage and disturbance to the habitat and wildlife;
- The nature, layout and density of the development proposed.

SINCs will be conserved wherever possible.

Where development is permitted, a balance will be struck between the needs of the development and the ecological interest of the site. Any damage to the ecological interest of the site will, as far as possible, be kept to a minimum. Where appropriate this will require the provision of mitigation and/or compensatory measures which may be secured by conditions and/or planning obligations.

- 2.16 The Council has not had the opportunity to assess the ecological and community value of the site or the long term ecological viability of habitats on the land and there have been no apparent measures taken to minimise damage and disturbance to the habitat and wildlife. Furthermore, there has been no opportunity for the Council to secure mitigation or compensatory measures by way of condition as no application has been forthcoming. No impact assessment has been made on the SINC and it is clearly being damaged as a result of the building work, excavations and tipping on the site. The development is therefore in conflict with Policy ENV36.
- 2.17 Government policy and guidance also advises that good design must be encouraged ensuring development is appropriate to the area. Paragraph 64 of the NPPF states Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 2.18 The development being carried out on the site is not of an appropriate design for this countryside location and does not improve the character and quality of

the area and the way it functions and therefore the development is clearly in conflict with this advice.

- 2.19 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policies is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permanence. Paragraph 87 of the NPPF states that:-

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Paragraph 88 of the NPPF continues:-

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Paragraph 89 of the NPPF states: -

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;

- 2.20 As it has been shown the buildings, hard standing and new access road are not necessary for agriculture or forestry and no special circumstances have been provided; it is considered the unauthorised works are contrary to the fundamental aims and principles of the NPPF. In the circumstances it is considered unlikely that planning permission would be granted should an application be received as the development is in clear conflict with both national and local planning policies and is detrimental to the openness and character of the Green Belt.

Human Rights

- 2.21 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence’.
- 2.23 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning

Policies. It is recognised that issuing an enforcement notice or taking court proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place.

Equalities

- 2.24 The Enforcement section operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate and which are in accordance with the Council's policy and government legislation.
- 2.25 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 2.26 The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

3 CONCLUSION

- 3.1 No planning permission has been granted for the erection of further buildings, for the new access road or for the hard standing. The Prior Notification consent granted in 2010 under the constraints of the GPDO has now expired and the additional two barns no longer benefit from this consent. In any case it is clear that this small business which only operates one day a week does not require additional buildings and in such circumstances the works taking

place on the site cannot benefit from permitted development rights given by the GPDO.

- 3.2 In addition, the unauthorised works taking place on the land are contrary to both national and local policies. This is a serious breach of planning control which has continued despite advice from the Council that it is unlikely planning permission would be granted for the development.
- 3.3 Planning enforcement action is necessary to rectify the harm caused, preserve the openness of the Green Belt, and ensure the land is returned to its former condition before the unauthorised works took place.

4 RECOMMENDATION

That the Service Manager, Development Services in conjunction with the Director of Organisational Development & Democratic Services be authorised to take all enforcement action required including the service of a Stop Notice and any other enforcement notices and proceedings through the courts, including an application for an injunction if necessary to ensure the unauthorised development and engineering works cease and the unauthorised works are removed and the land is returned to its former condition.

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Report to Planning Committee

Reference: 0018/2017

Location: 3 Nottingham Road, Ravenshead. NG15 9HG

Breach of Planning: Breach of Planning Conditions of Permission
2012/0686.

1 Background

- 1.1 On the 13th October 2015, planning permission was granted for a Change of Use of the premises No. 3 Nottingham Road, Ravenshead to a restaurant and bar with an extension to the front and side. (Reference 2012/1449)
- 1.2 The permission was subject to a number of conditions including Condition 2, 4, 5,6 and 7 which state;
- 1.3 **Condition 2** – The development hereby approved shall be carried out in accordance with plan no. PR02A, the revised 1:500 site plan received on the 23rd July 2012 showing the proposed parking and access arrangements and the materials proposed within the application forms submitted as part of this application.

Condition 4 – The development shall not be occupied until the car parking area has been surfaced, drained to prevent surface water discharging onto the public highway and the individual parking spaces clearly marked out in accordance with the details to be submitted to and approved in writing by the Borough Council. The spaces shall be kept available for parking in association with the development thereafter.

Condition 5 - The signage to the entrances of the site to enable the car park area to operate IN/OUT movements shall be installed in accordance with the details approved under Advertisement Consent No. 2015/0768. The signage shall be installed prior to the restaurant first being brought into use and retained thereafter.

Condition 6 – Parking spaces 15- 22 shown on the approved 1:500 site plan received on the 23rd July 2012 shall be available for users of the restaurant from 6.00pm until the closure of the restaurant every evening.

Condition 7- Before development is commenced precise details of the kitchen odour extract unit shall be submitted to and approved by the Borough Council. Once approved the extract unit shall be installed in accordance with these details and retained in working order thereafter unless otherwise agreed in writing by the Borough Council.

- 1.4 A number of letters have been sent to the owner and there have also been telephone conversations with the owner to advise these conditions have not been discharged and they remain outstanding. Despite the owner promising to address the issue, the details required by the conditions have not been submitted and the car park remains poorly surfaced and without car parking spaces being marked out. In addition the signage advising customers of the way in and out have not been provided. Details of the odour extract unit have not been supplied and it is not known if an extractor unit has been fitted.
- 1.5 A car wash operates during the day in part of the car park belonging to the restaurant and although the car wash does not have planning permission it has operated uninterrupted from the site for more than 10 years and is now immune from enforcement action.

2 ASSESSMENT

- 2.1 The power to impose conditions on planning permissions is an extremely important part of the development management process in order to safeguard matters of planning importance, mitigate the impact caused by the development and ensure the development is acceptable all planning aspects.
- 2.2 Conditions have to be necessary; relevant to planning and the development to be permitted; reasonable; precise; and enforceable. Unless conditions fulfil all these criteria (known as the “six tests”) they are likely to fail if challenged at appeal.
- 2.3 In this case, the conditions were imposed in the interests of highway safety and in accordance with local plan policies. It is considered the outstanding conditions comply with the six tests above.
- 2.4 A recent visit to the site shows the restaurant car park leading immediately from the A60 Nottingham Road. It is on two levels with the restaurant building sited centrally on the upper car park. Steep slopes on either side of the restaurant building lead to and from the lower car park.
- 2.5 The middle section of the higher car park, immediately in front of the main entrance to the restaurant has been partly brick paved with tarmacked and concrete bound areas to each side of the brick paving. The tarmacked areas are in a moderate condition with some tarmac lifting and leaving small areas

where pools of water are formed when it is raining. No parking spaces have been marked out.

- 2.5 The car wash operates from the higher level of the car park to the south of the restaurant building. There are a number of structures on the car park which are associated with the car wash business including a rain canopy supported by metal posts and a wooden shed/shelter for the workers.
- 2.6 The area where the car wash takes place is shown on the approved plan to be marked out with additional car parking spaces and reserved in the evening from 6pm for restaurant parking only but this has not happened and the car wash structures continue to obstruct the area in the evening when the restaurant is at its busiest.
- 2.7 The slopes leading to the lower car parking area is surfaced in concrete and is in poor condition with a deep rut across the middle of the slope to the north elevation of the restaurant again where pools of water collect. The lower car park is a poorly maintained tarmacked area with piles of rubbish stored along the edge of the land making it look unsightly. Again there are no car parking spaces marked out, no lighting in the area and the slopes leading to the lower area are totally uninviting.
- 2.8 The signage to the entrances of the site to enable the car park area to operate IN/OUT movements has not been provided. In addition, the uninviting concrete slopes leading to the unlit and untidy lower car park means it is greatly unutilised with customers reportedly preferring to park on the A60 in front of residential properties near to the restaurant causing unnecessary disturbance to residents and potentially prejudicial to highway safety.
- 2.9 Details of the kitchen odour extract unit have not been submitted as required by condition 7 and therefore any unit which may have been installed has not been approved. No assessment has therefore been made to ascertain whether odours are being removed from the area in order to safeguard the amenities of local residents.
- 2.10 There are several options available to the local authority when a condition is being breached including the service of a Breach of Condition Notice (BCN) for which there is no appeal and a maximum fine of £2,500 if the Notice is not complied with. However, in certain circumstances local authorities tend to prefer to issue a Breach of Condition Enforcement Notice as opposed to a BCN. This is especially the case when the condition requires something to be done prior to the occupation of the premises for example as once the premises are occupied the condition cannot be complied with exactly as the wording requires. Although there is a right of appeal against such a notice, there is a maximum of £20,000 fine in the Magistrates Court and an unlimited fine if action is taken through the Crown Court.

Time limits for taking action

- 2.11 S171B(3) provides that no enforcement action can be taken against a breach of a planning condition after the end of the period of ten years from the date on which the breach first occurred, except where it is a condition relating to a use as a single dwelling house where the period of immunity is four years.
- 2.12 The conditions were required to be fulfilled prior to the occupation of the restaurant. Council records show this was within the last ten years and so the Council is within time to take action.

Human Rights

- 2.13 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence’.
- 2.14 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice or a breach of condition notice or taking court proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients’ rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place.

Equalities

- 2.15 The Enforcement section operates in accordance with the Council’s Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate and which are in accordance with the Council’s policy and government legislation.
- 2.16 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any

particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 2.17 The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

3 CONCLUSION

- 3.1 The restaurant has been open for almost a year and the conditions remain outstanding despite the owner promising to comply and submit the required details.
- 3.2 The conditions attached to the permission are necessary to ensure the development is acceptable in planning terms and non-compliance with the conditions is detrimental to highway safety and the amenity of nearby residents resulting in the restaurant use being in conflict with local and national policies.
- 3.3 As the owner has failed to comply with the conditions a notice should now be served to ensure the required details are submitted and the approved schemes carried out.

4 RECOMMENDATION

- 4.1 That the Service Manager, Development Services in conjunction with the Director of Organisational Development & Democratic Services be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts to ensure the outstanding conditions are complied with.

Enforcement Reference 0178/2016
Location 6 Jessops Lane
Gedling, Nottinghamshire

1:1,250



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Report to Planning Committee

Reference: 0178/2016

Location: 6 Jessops Lane Gedling NG4 4BQ

Breach of Planning: Unauthorised development.

1 Background

- 1.1 Planning permission was granted on the 10th June 2016 for ground and first floor extensions to create a two storey dwelling together with a detached garage at No. 6 Jessops Lane, Gedling, (Reference 2016/0148).
- 1.2 The work commenced around September 2016 but in October 2016 it was brought to the Council's attention, the detached garage to the front of the dwelling was not being built in the approved location on the site; it was being built closer to the front boundary of the property and nearer the highway.
- 1.3 In addition, the approved alterations to the single storey projection to the rear of the property had not been built as approved. The approved plans showed there would be an increase in the width of the ground floor by 0.5m to the north eastern elevation and alteration of the original flat roof to a double gable. The development has actually been constructed to include a single gable with a mono-pitch design.
- 1.4 The owner was asked to stop work and submit a retrospective application for the alterations by varying condition 2 of the original planning permission which required the development to be built in accordance with the approved plans.
- 1.5 The application seeking to vary condition 2 was received on the 27th January 2017, (Reference 2017/0154) and on the 19th April 2017, a report was presented to the Planning Committee where Members resolved to refuse the application.
- 1.6 An appeal was subsequently made to the Planning Inspectorate seeking to overturn the Council's decision. On 15th August 2017 the Inspector issued her decision dismissing the appeal.

2 ASSESSMENT

- 2.1 The site formally comprised of a detached bungalow set back from the front boundary with the highway by approximately 10metres. The level of the garden is elevated about 1 metre from the level of the highway. The levels in and around the site fall to the north east, setting the application site at a higher level than the neighbouring property, No. 8 Jessops Lane (a detached bungalow) and lower level than the neighbouring property No. 4 Jessops Lane (a two storey detached dwelling) . The detached garage has been built forward of the previously approved position and is now around 1.2 metres from the front boundary wall.
- 2.2 In both the approved and proposed locations, the garage would be visible within the street scene. However, the garage, which is partly built to roof level, has been erected on the site closer to the highway than approved and when combined with its elevated position, it is considered the garage is unduly prominent and incongruous within a residential area where the majority of other dwellings and outbuildings are set back from the front boundary.
- 2.3 In addition, the height and length of the garage's side elevation are considerably above the height of the boundary wall, leading to an oppressive effect on pedestrians walking past the site along the lower pedestrian footway. This is contrary to the aims of Policy 10 of the Aligned Core Strategy; Design and Enhancing Local Identity which among other things requires new development to make a positive contribution to the public realm and a sense of place, including through the creation of attractive and safe environments and through reinforcing valued local characteristics such as street patterns and the position of buildings and the layout of spaces.
- 2.4 The development is also contrary to the similar development criteria set out on Policy ENV1 of the Replacement Local Plan (Saved Policies 2014) and the requirements of the National Planning Policy Framework (Part 7) which requires good design.
- 2.5 The Planning Inspector has stated in her decision letter, "The visual dominance of the garage and its poor relationship with the surrounding properties is noticeable on both approaches along Jessops Lane, particularly from the nearby junction and when viewed from the opposite side of the road".
- 2.6 The Inspector has considered whether the external finish of the garage or the erection of a front boundary wall, fence and gate would make the garage more acceptable but has concluded "...the proposed finish of the garage would not affect these conclusion [and]... there is limited space between the garage and the front boundary for any meaningful screening landscaping to

be provided or to thrive. But in any event, landscaping does not justify development which should in itself be acceptable.”

- 2.7 The unauthorised alterations involving the single gable with a mono-pitch design to the rear of the property however, do not impact on the visual amenity of the locality or on the amenities of the occupiers of neighbouring properties and these alterations are not in conflict with either local or national policies. It is therefore considered not expedient to take formal action in respect of the development at the rear of the dwelling.

Human Rights

- 2.8 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence’.
- 2.9 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that taking enforcement action will result in interference with the recipients’ rights. However, it is considered that issuing a notice in respect of the garage in the first instance would be a proportionate response to rectifying the breach of planning control taking place.

Equalities

- 2.10 The Enforcement section operates in accordance with the Council’s Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate and which are in accordance with the Council’s policy and government legislation.
- 2.11 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council’s published

policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 2.12 The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

3 CONCLUSION

- 3.1 The unauthorised partly built garage is unduly prominent in the street scene and detrimental to the character of the area. It is over bearing on pedestrians walking by the site and is in conflict with both local and national policies.

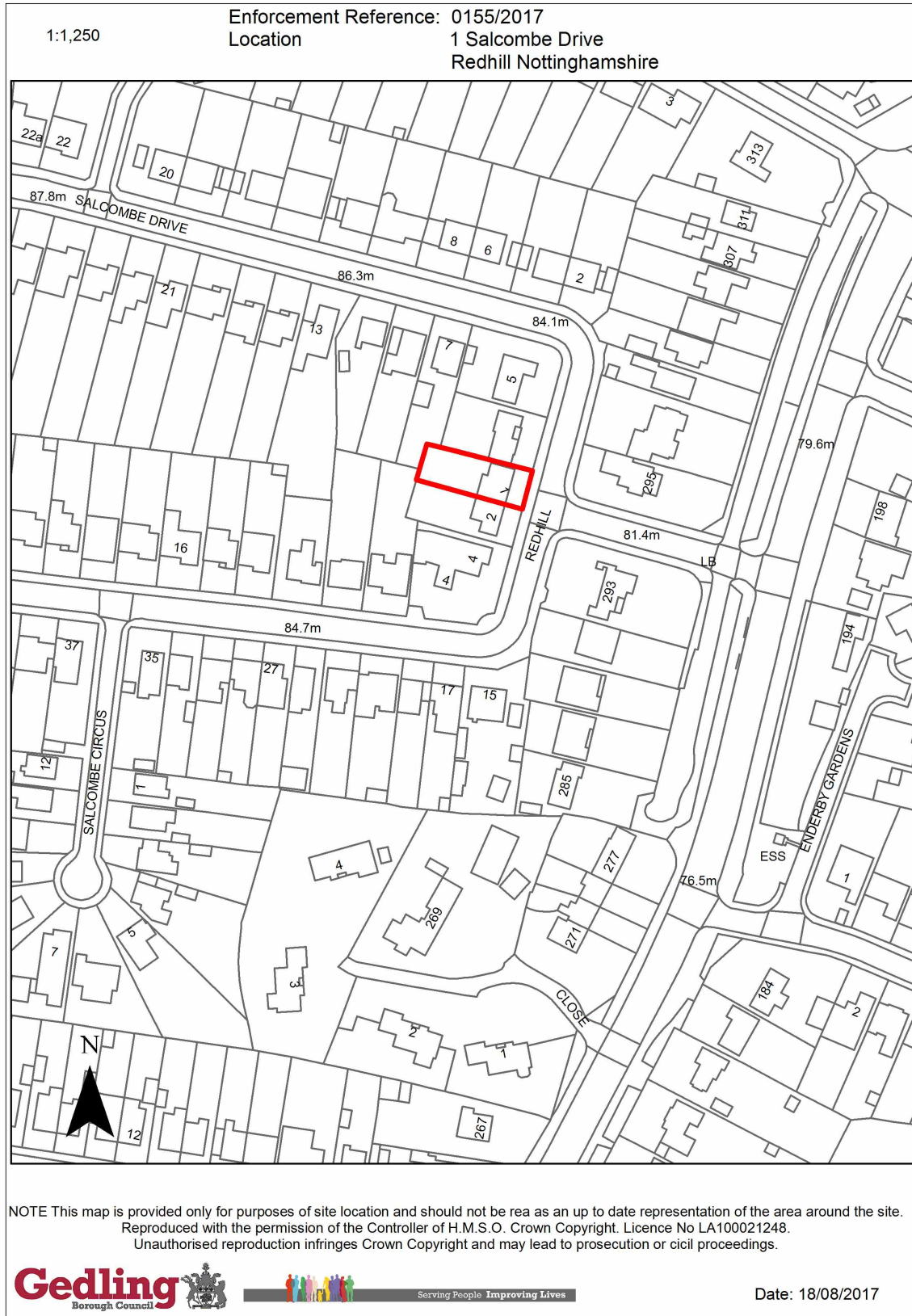
However, the unauthorised alterations to the rear of the dwelling house do not detract from the development and are not contrary to local plan policies or the advice in the National Planning Policy Framework.

It is therefore considered an enforcement notice should be served requiring the garage to be demolished but that no further action should be taken in respect of the development to the rear of the property.

4 RECOMMENDATION

- 4.1 That the Service Manager, Development Services in conjunction with the Director of Organisational Development & Democratic Services be authorised to take all enforcement action necessary including the service of any enforcement notices and proceedings through the courts to ensure the unauthorised garage is demolished and the garden area re-instated.

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Report to Planning Committee

Reference: 0155/2017

Location: 1 Salcombe Drive, Redhill, Nottinghamshire

Breach of Planning: Alterations to first floor window

1 Background

- 1.1 On the 7th August 2017, it was brought to the Council's attention that new replacement windows had been installed at No. 1 Salcombe Drive, Redhill. The complaint related in particular to the bathroom window at first floor level in the side elevation facing the blank side elevation of the adjacent property No. 3 Salcombe Drive.
- 1.2 The original obscured glazed top opening UVPC window had been replaced with an obscured glazed bottom 'push out' opening UVPC window which the complainants felt invaded their privacy in their rear garden.
- 1.3 The owner/occupier of No. 1 has offered to install opening restrictors on the new window to ensure it can only be opened to a limited degree. However, the complainants feel this will not resolve their concerns.

2 ASSESSMENT

- 2.1 The General Permitted Development Order 2015 (GPDO) allows certain development to take place without the need to apply for an express planning permission including the installation of new windows. However, it states that "any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling house must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- 2.2 The new bathroom window installed at the property is clearly in breach of the condition in the GPDO. However, it has replaced a window that was already

installed as an opening window prior to the requirements in the updated GPDO, albeit top opening and it faces directly out onto the blank elevation of the adjacent property.

- 2.3 Ventilation in a bathroom is essential and it was difficult for the occupier of No. 1 to open the top of the old window because of the toilet and bath obstructing the access to some degree. The new window pushes open from the bottom making it easier to operate. A view of the rear garden of the neighbouring property can only be gained with some difficulty by squashing in between the toilet and bath and opening the window almost half way or more.
- 2.4 It would be difficult to imagine that someone would wish to stand in such an awkward position to peer at their neighbours' activities in the rear garden. In any case the rear garden is also overlooked from a neighbouring property at the rear.
- 2.5 The National Planning Policy Framework at Paragraph 207 advises *"...Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control..."*
- 2.6 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where it is expedient and in the public interest to do so.
- 2.7 In this case, it is considered that if the owner at No. 1 installs the restrictors to prevent the window opening wide and giving a broad view of the neighbouring garden any overlooking issues would be resolved and this would be a proportionate response to this technical breach of planning control.

3 **CONCLUSION**

- 3.1 The newly installed obscured glazed bathroom window is in breach of the conditions of the GPDO. However, the offending window looks directly on to the blank side elevation of the neighbouring property.
- 3.2 A view of the neighbouring rear garden can only be gained if the window is opened wide and the occupier stands between the toilet and the bath. A restrictor installed on the window to prevent it from being opened wide would

mean the occupiers of No. 1 could not easily see across the neighbouring gardens.

- 3.3 Government advice recommends enforcement action is only taken where there is demonstrable harm and it is in the public interest to do so. In this case it is considered there is no justification for taking formal action if a mechanism is fitted to prevent the window from being opened wide.

4 **RECOMMENDATION**

- 4.1 No enforcement action is taken in respect of the breach of planning control, subject to the installation, within the next 56 days, of a permanent restrictor mechanism to prevent the existing top hung window from opening more than 200mm.



Report to Planning Committee

Application Number: 2017/0114

Location: 8 Fairfield Drive, Newstead.

Proposal: Retention of fence on north eastern section of front boundary of property.

Case Officer: Cristina Dinescu

Planning permission was refused by the Borough Council on the 17th March 2017 on the following grounds:

1. In the opinion of the Borough Council, the proposal to retain the fence at no.8 Fairfield Drive, as a result of its position, design and loss of open frontage, results in an incongruous feature in the streetscene and has an adverse impact on the character of the area and fails to take the opportunity to improve the character of the area. The proposed development therefore fails to accord with Policies ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014), advice contained within the National Planning Policy Framework and Policy 10 of the Gedling Borough Aligned Core Strategy.

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been **dismissed**. The Inspector concluded that although the fence does not enclose the entire site, it is on a prominent part of the road frontage and close to a corner leading to a cul-de-sac. The erected fencing is out of keeping with the high quality character of the estate where the layout and arrangement of boundaries is generally open plan or enclosed by walls. The fencing also detracts from the attractive landscaping within the area, adding to its incongruous appearance. The harm to the appearance of the area and the failure to improve its character is contrary to Policy ENV1 criterion 'a' of the Gedling Borough Aligned Core Strategy and the requirement of the Framework for good quality design with which the Council's policies are consistent.

Recommendation:

To note the information.

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Report to Planning Committee

Application Number: 2016/0884

Location: 64 Main Street, Calverton

Proposal: Erect one new detached dwelling (dormer bungalow).

Case Officer: Nick Morley.

Planning permission was refused by the Borough Council on the 22nd November 2016 on the following grounds:

- 1 In the opinion of the Borough Council, the proposed dwelling would represent an unacceptable form of tandem development, which is over-intensive for the site, and which would not function well with the existing commercial premises to the front of the site. The proposal is therefore contrary to Section 7 of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 2 In the opinion of the Borough Council, the proposed dwelling would have an unacceptable overbearing and overshadowing impact on 62 Main Street to the detriment of its residential amenity. The proposal is therefore contrary to Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 3 In the opinion of the Borough Council as Local Planning Authority, and Nottinghamshire County Council as Highway Authority, the proposed development would have inadequate access, parking and turning facilities for vehicular traffic, which would lead to road safety dangers on the shared access and adjoining highway for vehicles and pedestrians. The proposal is therefore contrary to Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been **dismissed**. The Inspector concluded that whilst the access and parking arrangements are acceptable, the proposal would nevertheless represent an over intensive form of development for the site. The introduction of a new dwelling would not function well with the existing commercial premises at no. 64. The access and turning arrangements demonstrate an unacceptable interrelationship between the proposed layout and the rear of the commercial premises, this constraining the effective operation of the Calverton Fish Bar. In addition the proposed use of the turning area which is located directly in front of the only access for the flats would result in the potential conflict with their residential use. In regard to the siting of the proposal the Inspector concluded that the proposal would be unduly overbearing and would lead to an unacceptable overshadowing

impact onto the neighbouring property at no. 62.

The Inspector agreed with the Borough Council in regard to the fact that the proposal would have a neutral effect on the Conservation Area.

Recommendation:

To note the information.



Report to Planning Committee

Application Number:	2016/0768
Location:	48 Northcliffe Avenue, Mapperley
Proposal:	Change of Use from a C3 (dwelling) use to a C2 (Residential Institutions) use for the use of the above dwelling as a children's home.
Case Officer:	Alison Jackson

Planning permission was refused by the Borough Council on the 16th November 2016 on the following grounds:

1. In the opinion of the Borough Council, the nature and scale of the proposed development would give rise to increased levels of activity with associated noise and disturbance which would have an unacceptable adverse impact upon the residential amenity of the occupiers of neighbouring properties, making this an unsuitable location for such a proposal. The proposed development would therefore be contrary to Policies H13 and ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014.

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been **allowed**. The Inspector concluded that the proposal would be an appropriate location for the children's home and there would be no adverse impacts on the living conditions of the occupiers of surrounding properties, with particular regard to noise and disturbance. The Inspector opined that whilst there would be a number of comings and goings, this would not be materially different to those expected of a four bedroomed family dwelling. The Inspector was also satisfied that there were no highway safety implications arising.

The Inspector assessed whether the proposal would constitute an over intensive use of the site in terms of the amenity space available and concluded that the outside space is sufficient for the level of use proposed. In regard to concerns raised in respect to anti-social behaviour the Inspector commented that whilst these concerns can be viewed as material there is no substantiated evidence that the proposal would give rise to anti-social behaviour.

Recommendation:

To note the information.

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ACTION SHEET PLANNING DELEGATION PANEL 14th July 2017

2017/0658

90 Sheepwalk Lane

Extension of existing shared vehicular and pedestrian access serving 92,92a, 94 & 94a to 90 Sheepwalk Lane, Ravenshead.

The proposed development would have no undue impact on the character of the area or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork. Parish Council to be notified.

**Mike Avery, Service Manager – Development Services
14th July 2017**

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ACTION SHEET PLANNING DELEGATION PANEL 21st July 2017

2017/0511

146 Lambley Lane Burton Joyce NG14 5BN

Two storey front extension, two storey side extension (to include a granny annexe), single storey rear extensions, first floor rear extension, dormer windows to front elevation.

Withdrawn from agenda

2017/0620

9 Kirkby Road Ravenshead NG15 9HD

Loft Conversion

The proposed development would have no undue impact on the openness of the Green Belt.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2017/0657

19 Regina Crescent Ravenshead NG15 9AE

Amended vehicular access new double garage and cosmetic alterations to existing house.

The proposed development would have no undue impact on the character of the streetscene or on the amenities of neighbouring residential properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2017/0660

19 Marshall Hill Drive Mapperley NG3 6FY

Two storey side extension & single storey rear extension

The proposed development would have no undue impact on the appearance of the streetscene or on the amenity of adjoining neighbouring properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2017/0667

52B Rolleston Drive Arnold NG5 7JN

A single storey side extension to the bungalow with a new pitched roof to match the existing, plus a single storey rear extension with a flat roof and a loft conversion with two new dormers.

The proposed development would have no undue impact on the character of the area or on the amenity of nearby residential properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2017/0682

48 Cliff Road Carlton NG4 1BT

Detached garage.

The proposed development would have no undue impact on the amenities of nearby residential properties or on highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2017/0699

2A Tideswell Close Ravenshead NG15 9EX

Single storey side extension and conversion of existing garage with pitched roof.

The proposed development would have no undue impact on the character of the area or on the amenities of nearby residential properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

David Gray - 21st July 2017

ACTION SHEET PLANNING DELEGATION PANEL 28th July 2017

2017/0511

146 Lambley Lane Burton Joyce NG14 5BN

Two storey front extension, two storey side extension (to include a granny annexe), single storey rear extensions, first floor rear extension, dormer windows to front elevation.

The proposed development would have no undue impact on the residential amenity of adjacent properties or the character & appearance of the area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0663

9 Wellington Road Burton Joyce Nottinghamshire

Extension to existing dwelling incl. raised dormed roof and front boundary wall with gates.

Application withdrawn from agenda.

2017/0649

Foxhills Foxwood Lane Woodborough

Change of use of garage/store to independent dwelling.

The proposed development would accord with Green Belt policy and would have no undue impact on the residential amenity of adjacent properties, the character & appearance of the area, or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following issue of Certificate of Lawfulness for rear extension & completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0692

1 St Helens Crescent Burton Joyce NG14 5DW

Ground & first floor extension along with associated alterations

The proposed development would have a detrimental impact on the character & appearance of the area and on the residential amenity of adjacent properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued.

Parish to be notified following issue of decision.

SS

2017/0730
243 Mansfield Road Arnold NG5 8LS
Erection of single dwelling

Application withdrawn from agenda.

2017/0746
21 Chartwell Grove Mapperley NG3 5RD
Rear/side single storey extension

The proposed development would have no undue impact on the residential amenity of adjacent properties or the character & appearance of the area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued.

**Nick Morley, Principal Planning Officer
28th July 2017**

ACTION SHEET PLANNING DELEGATION PANEL 4th August 2017

2017/0295

36 Renals Way Calverton NG14 6PH

Two storey rear extension

The proposed development would have no undue impact on the residential amenity of adjacent properties, the character & appearance of the area, or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued.

Parish to be notified following issue of decision.

SS

2017/0663

9 Wellington Road Burton Joyce Nottinghamshire

Extension to existing dwelling incl. raised dormed roof and front boundary wall with gates.

The proposed development would have no undue impact on the residential amenity of adjacent properties or the character & appearance of the area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0742

Land Adjacent 21 Lowdham Lane Woodborough

Variation of condition 11 attached to planning permission reference 2016/1099 which proposes changes to the finished floor level of the approved dwelling and incorporates proposed flood resilient measures.

The principle of residential development has already been established by the extant planning permission and there are no flood risk issues arising from the amended floor levels.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued.

Parish to be notified following issue of decision.

SS

2017/0752

2 Saunby Close Arnold Nottinghamshire

Single storey extension to rear of existing bungalow.

The proposed development would have no undue impact on the residential amenity of adjacent properties or the character & appearance of the area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

**Nick Morley, Principal Planning Officer
4th August 2017**

ACTION SHEET PLANNING DELEGATION PANEL 11th August 2017

2017/0518

200 Nottingham Road Burton Joyce Nottinghamshire

Demolition of existing garage. Rear extension to existing dwelling with raised and dormered pitched roof. Detached garage to side.

The proposed development, as amended, would not have an adverse impact on the openness of the Green Belt, the street scene, or the residential amenity currently enjoyed by the occupiers of adjacent residential properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork. Parish to be notified.

2017/0587

21 Maidens Dale Arnold NG5 8LQ

Two storey side/rear extension

The proposed development is subservient to the existing dwelling in terms of its design and scale. The development would have no undue impact on car parking.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2017/0721

Silverland Farm 131 Main Road Ravenshead

Proposed Barn Conversion and Associated Alterations/Extensions (including demolition of Cow Shed) to form Dwelling.

While the principle of a residential conversion is acceptable, the development, as proposed, would result in a disproportionate addition over and above the size of the existing building, which would be harmful to the Green Belt.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork. Parish to be notified.

2017/0766

15 Braemar Drive Gedling Nottinghamshire

Single storey rear extension.

The proposed development would not have an undue impact on the residential amenity currently enjoyed by the occupiers of adjacent properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2017/0802

337 Westdale Lane West Mapperley NG3 6EW

Convert a shop and flat into 3no self contained flats.

The proposed development is in keeping with the character of the area and would not have an adverse impact on highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Mike Avery

Service Manager – Development Services

11th August 2017

ACTION SHEET PLANNING DELEGATION PANEL 18th August 2017

2017/0570

26 Main Road Gedling Nottinghamshire

Signs and hoarding.

The proposed advertisements, as amended, would have no undue impact on visual amenity or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued.

2017/0704

61 Kirkby Road Ravenshead Nottinghamshire

Erection of detached garage at side

The proposed development would have a detrimental impact on the openness of the Green Belt and the purposes it serves.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0729

147 Main Street Woodborough Nottinghamshire

Variation of Condition 2 (2013/0252) - Approved Plans. Demolition of bungalow and residential re-development of 6 houses, garages, parking, landscaping and access.

The proposed development would have no undue impact on the residential amenity of adjacent properties, the character & appearance of the Woodborough Conservation Area, or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of S106 planning obligation & paperwork.

Parish to be notified following issue of decision.

SS

2017/0727

Rear of 164 & 166 Porchester Road Carlton Nottinghamshire
Proposed pair of semi detached houses.

The proposed development would be over-intensive for the site and would have an incongruous appearance within the streetscene. It would also have an unduly overbearing impact on the residential amenity of the adjacent dwelling to the north and be detrimental to highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2017/0737

17 Foxhill Road Burton Joyce NG14 5DB
Detached outbuilding in rear garden, green roof over to retain garden space and associated works

The proposed development would have an unduly overbearing and overlooking impact on the residential amenity of adjacent properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0774

7 Robinson Road Mapperley Nottinghamshire
1no. 2 bedroom attached chalet bungalow.

The proposed development would have an incongruous appearance within the streetscene.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued.

2017/0804

88 Sheepwalk Lane Ravenshead NG15 9FB

Erection of 3 modern detached dwellings with garages, new relocated vehicular access and demolition of 88 Sheepwalk Lane

3 unit scheme previously approved under planning ref 2016/0060

As the principle of this development has already been established, the proposed changes would have no significantly greater impact on the character & appearance of the area than previously approved.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0827

20 Chapel Lane Lambley Nottinghamshire

Rear two storey extension.

The proposed development would have no undue impact on the residential amenity of adjacent properties or on the character & appearance of the Lambley Conservation Area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0835

Culag Newstead Abbey Park Nottingham Road

Replacement house on footprint of existing house.

The proposed development accords with Green Belt policy & would have no undue impact on the residential amenity of adjacent properties, the character & appearance of the area, or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0838

30 Main Street Linby NG15 8AE

Rear double story extension. Small single story extension to the front of the property.

The proposed development would have a detrimental impact on the character & appearance of the existing dwelling, on the Linby Conservation Area & on the setting of the Listed Building.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2017/0846

7 Cairngorm Drive, Bestwood

Demolish garage and build two storey side extension and single storey rear extension

The proposed development would have no undue impact on the residential amenity of adjacent properties, the character & appearance of the area, or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

**Nick Morley, Principal Planning Officer
18th August 2017**



Report to Planning Committee

Subject: Future Planning Applications

Date: 30/8/2017

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Management.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2017/0157	72-74 Westdale Lane	11 Apartments	20/9/17
2017/0207	St Wilfrids Square	Proposed new 3 storey building	20/9/17
2016/0913	Calverton Colliery	Change of use, for use by radio controlled aircraft	20/9/17

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

RESOLVED:

To note the information.

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