

**MINUTES
PLANNING COMMITTEE**

Wednesday 14 March 2018

Councillor John Truscott (Chair)

In Attendance: Councillor Michael Adams Councillor Meredith Lawrence
 Councillor Chris Barnfather Councillor Marje Paling
 Councillor Alan Bexon Councillor Colin Powell
 Councillor Kevin Doyle Councillor Henry Wheeler
 Councillor David Ellis Councillor Jim Creamer
 Councillor Gary Gregory

Absent: Councillor Barbara Miller, Councillor Pauline Allan, Councillor
 Bob Collis, Councillor Paul Stirland and Councillor Paul
 Wilkinson

Officers in M Avery, C Goodall, S Oleksiw and G Wraight
Attendance:

99 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Allan, Collis, Miller, Stirland and Wilkinson. Councillor Creamer attended as a substitute.

**100 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE
MEETING HELD ON 14 FEBRUARY 2018.**

RESOLVED:

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

101 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest in item 6 as Gedling Borough Council was in ownership of the land.

Councillor Ellis declared a non-pecuniary interest in item 6 as the Chair of The Friends of Arnot Hill Park and said he would be leaving the room during consideration of the item.

102 APPLICATION NO. 2017/1502 - 23 WAVERLEY AVENUE, GEDLING

Section 73 application to vary Conditions 2 (approved plans) and 9 (landscaping) on planning permission reference 2014/0169 with respect to elevational treatments/fenestration and site enclosures.

The Service Manager - Development Control introduced the report and informed members that some minor alterations to the scheme had been received since the agenda was published. These changes would result in an amendment to condition 2 to reflect revised drawings plus an additional condition (20) requiring the existing fence along the rear boundary of the site to be altered.

RESOLVED:

To Grant variation to Conditions 2 and 9 of planning permission reference 2014/0169 by issuing a replacement planning permission subject to the applicant entering into a deed of variation amending the original Section 106 agreement with the Borough Council as Local Planning Authority and the County Council as the Education Authority to secure the payment of an education contribution; and subject to the following amended conditions:

Conditions

1. DELETED - Time period to implement permission - development has commenced.
2. The development hereby permitted shall be constructed in accordance with the following approved plans: - o Location plan received 13 February 2014o 108/03/A (floor plans only), 108/04/C (floor plans only) and 108/05/B (floor plans only) received November 2015 o 108/06/D and 108/07/D a received on 4 December 2017o 108/08/E received on 24 January 2018
3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council, an assessment of contamination must be undertaken. Where remediation is necessary, a written remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.

4. DELETED - Dust management plan - demolition has taken place and buildings have been constructed.
5. DELETED - Measures to prevent debris on highway - demolition has taken place and buildings have been constructed.
6. The drainage scheme shown on drawing 6732-01 which was approved in conjunction with Condition 6 on planning permission reference 2014/0169 shall be implemented before the development is first brought into use and shall be retained for the lifetime of the development unless otherwise agreed in writing by the Borough Council.
7. DELETED - Means of enclosure - details shown on approved plan.
8. DELETED - External materials - buildings have been constructed.
9. Landscaping shall be undertaken in accordance with the details shown on approved drawing 108/08 E and shall be carried out in the first planting season following the first occupation of the development. Any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season.
10. No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossing has been extended and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
11. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
12. The proposed access, parking and turning facilities shall be surfaced in permanent materials in accordance with details,

including plans of the facilities showing their precise location, to be approved in writing by the Borough Council as local planning authority before the development hereby permitted is first occupied. The access, parking and turning facilities shall be maintained as approved for the lifetime of the development and shall not be used for any purpose other than the manoeuvring and parking of vehicles.

13. No part of the development hereby permitted shall be occupied until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and which never exceeds 1 in 12 thereafter.
14. The development hereby permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision D, prepared by SCC Consulting Engineers in September 2015 and submitted in support of planning application 2014/0169 and in particular the following mitigation measures detailed within the FRA: 1. The internal finished floor levels shall be set no lower than 300mm above the existing ground levels. 2. The design and layout of the building shall incorporate an 8.0m wide unobstructed easement from the top embankment of the Ouse Dyke. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
15. ~~DELETED - Floodplain storage and overland flow route scheme - the approved scheme referred to increase in permeable areas as a result of the development, moving of buildings away from watercourse, additional planting and finished floor levels. A Condition is not required to control these matters.~~
16. The surface water drainage scheme approved in conjunction with Condition 16 on planning permission reference 2014/0169 shall be implemented before the development is first brought into use and shall be retained for the lifetime of the development unless otherwise agreed in writing by the Borough Council.
17. ~~DELETED - Floor levels - as buildings have been constructed.~~

18. All balconies shall be fitted with privacy screens in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be implemented in accordance with the approved details before the development is first occupied and shall maintained thereafter for the lifetime of the development.
19. Prior to the development hereby approved first being brought into use, individual parking spaces shall be clearly marked out on site in accordance with the approved plan reference 108/08E. Parking spaces shall be kept unallocated and available for parking in association with the development thereafter.
20. Within 56 days of the date of this decision, the existing fence along the rear boundary of the site shall be altered in accordance with details shown on drawing 108/08/F (provision of an access gate and gaps to the bottom of fence panels). The fence shall thereafter be retained as such in perpetuity.

Reasons

1. DELETED as development has commenced.
2. For the avoidance of doubt.
3. To ensure that practicable and effective measures are taken to treat, contain or control any contamination.
4. DELETED as demolition has taken place and buildings have been constructed.
5. DELETED as demolition has taken place and buildings have been constructed.
6. To ensure the development is provided with a satisfactory means of drainage and to minimise the risk of pollution.
7. DELETED as details shown on approved plan.
8. DELETED as buildings have been constructed.
9. To secure a satisfactory development, in the interests of visual amenity.
10. In the interests of road safety, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008).

11. In the interests of road safety, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008).
12. To ensure that adequate off-street parking provision is made to reduce the possibilities of the development leading to on-street parking in the area.
13. In the interests of road safety, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008).
14. To reduce the risk of flooding to the proposed development and future occupants and to allow future maintenance and emergency activities relating to Ouse Dyke to be undertaken without obstruction.
15. DELETED as the approved scheme referred to increase in permeable areas as a result of the development, moving of buildings away from watercourse, additional planting and finished floor levels.
16. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.
17. DELETED as buildings have been constructed.
18. To prevent the overlooking of neighbouring properties in accordance with Policy H7 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. In the interests of highway safety.
20. To allow access to the adjacent watercourse and to allow for the freer movement of water in a flood event.

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, the area in general, on flood risk and is acceptable from a highway safety viewpoint. The proposal therefore accords with the National Planning Policy Framework, Local Plan Policies ENV1 and H7, Core Strategy Policies 2, 8 and 10 and LPD policies 3, 32 and 39.

Notes to Applicant

Proximity to boundary - deleted as buildings have been constructed.

Comments from Severn Trent Water - deleted as drainage has been approved.

CIL - not required as no increase in floorspace.

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. Please contact Matt Leek on 0300 500 8080 for details.

Planning Statement - The Borough Council has undertaken discussions during the consideration of the application which have successfully addressed the matters raised by the Environment Agency. The Borough Council has therefore worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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**APPLICATION NO. 2017/1225 - SITE OF THE FORMER
CAVENDISH , CAVENDISH ROAD, CARLTON**

Section 73 application to vary condition 2 of planning permission 2014/0559 (Demolition of existing pub and re-development of the site to create 41 no. residential units) to amend the rear boundary and retaining wall.

The Service Manager – Development Services advised members on a number of typing errors within the report, including reference being made to 31 units instead of the actual 41 on the development and a change to the number of parking spaces for the development. However this would not result in an amendment to the recommendations within the report.

RESOLVED:

To Grant variation to condition 2 of planning permission 2014/0559 by issuing a replacement planning permission subject to the applicant entering into a deed of variation amending the original Section 106 Agreement with the Borough Council as local planning authority, the County Council as education authority and the National Health Service for the provision of, or financial contributions towards Affordable Housing, Educational Facilities, Healthcare and Open Space; and subject to the following conditions.

Conditions

1. DELETED - Duration of permission - development has commenced.
2. The development hereby permitted shall be completed in accordance with the approved plans drawing no's: 7595 70-001 (Site Plan as Existing), 7946 70-100 Rev: C4 (08.06.2016) (Site Plan as Proposed), 7595 20-000 Rev A (Block Elevations as Proposed), 7595 20-001 Rev A (Block Elevations as Proposed), 7595 20-002 Rev A (Block Elevations as Proposed), A-7595-20-006 (Apartment Elevations), 795 00-000 Rev A (Typical Unit Floor Plans as Proposed), 7595 20-004C (Street Elevations), (1) 131 (Brick Retaining Wall Sections at Apartment Block), (1) 128 (Brick Retaining Wall Sections at Apartment Block GA Plan), (1) 129 (Brick Retaining Wall Sections at Apartment Block Elevations and Sections), 25842-22 (Retaining Wall Sections Units 20 - 26), 25842-12 (Retaining Wall Sections Units 15 - 19), (1) 110 (Retaining Wall Plans and Elevation), 25842-20 (Site Part Plan Units 20 - 26), (1)125 (Brick Retaining Walls at Plot 33 - 42 GA Plan, 25842-10 (Site Part Plan Units 15 - 19), and 25842-12 (Retaining Wall Sections Units 15 - 19).
3. The development hereby permitted shall be completed in accordance with the Arboricultural Implications Assessment and Arboricultural Method Statement: Appendix 3, dated April 2014.
4. No part of the development hereby permitted shall be brought into use until the private car parking areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 70-100 Rev C4 (Site Plan External Works). The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of cars.
5. The new access junction onto Cavendish Road shall be retained for the life of the development in accordance with drawing number 70-002-RevD.
6. No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved plans. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.

7. No part of the development hereby permitted shall be brought into use until all drives and 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.
8. The development hereby approved shall be completed in accordance with the plans that received s38 technical approval from the Highway Authority drawing no's: 11327-1003A, 11327-2001-D, 11327-2003B, 11327-2004A, 11327-2005A, 11327-2006, and H083630-3006.
9. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
10. The development hereby approved shall be implemented in accordance with the details submitted under the Cavendish Road - 'Traffic Management Plan'.
11. The development hereby approved shall be implemented in accordance with the details submitted by Robert Woodhead's incorporating 100mm Welford Buff facing bricks and Russell Grampian / Highland Grey Slate Effect roof tiles.
12. The development shall be completed strictly in accordance with the approved plans A-7946-25-200/201/202 and A-7946-70-006-P2 approved under application 2016/0542DOC. The landscape works shall be maintained in accordance with the approved details for a minimum period of five years from the date the soft landscape works are completed.

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 adequate and safe tree retention on site in the interests of good Arboricultural practise.
4. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
5. To ensure the development is constructed to adoptable standards
6. To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
7. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
8. To ensure the development is constructed to adoptable standards.
9. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
10. In the interests of Highway safety.
11. For the avoidance of doubt.
12. 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).

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, the area in general and is acceptable from a highway safety viewpoint. The proposal therefore accords with Policy 10 of the Aligned Core Strategy (2014) and H7, H16 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014)

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.

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 Highway Authority should be contacted 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 Highway Authority is contacted as early as possible.

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 the County Council for details.

Should any bat/s be found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

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 (or District Council) in writing before any work commences on site

I bring your attention to Carlton Parish Unregistered Footpath that passes through the site from Cavendish Road to Westdale Lane. The availability of the footpath should not be affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders.

It is noted that suitable habitat for slow worms exist on site. Should any slow worms be found during works to clear the site, work must stop immediately until a suitably qualified ecologist has attended the site to ensure that potential impacts on this protected species are properly considered and to enable any required mitigation to be incorporated into the development. Slow Worms are protected under Schedule 5, Section 9 (1 and 5) of the Wildlife and Countryside ACT 1981 and the Countryside and Rights of Way act 2000 against deliberate or reckless killing and injuring and sale.

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.

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.

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APPLICATION NO. 2018/0100 - ARNOT HILL PARK

Councillor Ellis left the meeting.

Installation of climbing unit in existing playground.

RESOLVED that the Borough Council GRANTS FULL PLANNING PERMISSION, subject to 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 completed in accordance with the submitted plans and Design and Access Statement received on the 31st January 2018.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the details of the development are acceptable, in accordance with the aims of Policy ENV1 and R1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

In the opinion of the Borough Council, the proposed development would have no undue impact on neighbouring residential amenity or the locality in general. The proposal would enhance and improve the recreational and sporting potential or quality of the site and the wider area. The development therefore complies with Policies ENV1 and R1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), Policies 10 and 16 of the Aligned Core Strategy (September 2014), Policies LPD20 and LPD32 of the Local Planning Document Publication Draft and advice contained with the NPPF.

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. 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.

105 PLANNING DELEGATION PANEL ACTION SHEETS

Councillor Ellis returned to the meeting.

RESOLVED:

To note the information.

106 FUTURE APPLICATIONS LIST

RESOLVED:

To note the information.

107 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.20 pm

Signed by Chair:
Date: