



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

Agenda

Planning Committee

Date: **Wednesday 5 September 2018**

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 Paul Wilkinson

Councillor Michael Adams
Councillor Pauline Allan
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor Alan Bexon
Councillor Kevin Doyle
Councillor David Ellis
Councillor Meredith Lawrence
Councillor Barbara Miller
Councillor Marje Paling
Councillor Colin Powell
Councillor Alex Scroggie
Councillor Jane Walker
Councillor Henry Wheeler

AGENDA

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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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MINUTES PLANNING COMMITTEE

Wednesday 8 August 2018

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor David Ellis
Councillor Michael Adams Councillor Meredith Lawrence
Councillor Pauline Allan Councillor Barbara Miller
Councillor Chris Barnfather Councillor Marje Paling
Councillor Alan Bexon Councillor Jane Walker
Councillor Tammy Bisset Councillor Muriel Weisz
Councillor Jim Creamer Councillor Henry Wheeler
Councillor Kevin Doyle

Absent: Councillor Peter Barnes, Councillor Colin Powell and Councillor Alex Scroggie

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

32 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Barnes, Powell and Scroggie. Councillors Bisset, Creamer and Weisz attended as substitutes.

33 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 11 JULY 2018.

RESOLVED:

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

34 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest in item 8 of the agenda, as Gedling Borough Council was the applicant of the planning application and the land was in their ownership.

35 FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2018

The Service Manager – Planning Policy introduced the report.

RESOLVED that Planning Committee notes the content of the Five Year Housing Land Supply Assessment 2018.

36 NATIONAL PLANNING POLICY FRAMEWORK 2018

The Service Manager – Planning Policy introduced the report.

RESOLVED that members note the contents of the report.

37 APPLICATION NUMBER 2014/0273 - LAND AT CORNER OF LONGDALE LANE AND KIGHILL LANE, RAVENSHEAD

Outline Planning Permission for up to 31 No. dwellings with all matters reserved.

The Service Manager – Development Services advised Members that further to the publication of the report, the NHS Mansfield and Ashfield Clinical Commissioning Group would not be seeking a contribution.

The Service Manager – Development Services therefore proposed an amendment to the recommendation in order to remove the requirement for the applicant to enter into a section 106 for the provision of, or financial contribution towards Healthcare facilities.

RESOLVED that the Borough Council GRANTS OUTLINE 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 local highway and education authority for the provision of, or financial contributions towards, Affordable Housing, Local Labour Agreement, Transport Infrastructure Improvements, Open Space, Management Company and Educational Facilities; and subject to the following conditions:

Conditions

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and

proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Local Planning Authority.

- 4 No development shall commence on any part of the application site unless or until a detailed design of the major / minor T junction, as shown for indicative purposes on the illustrative layout has been submitted for approval.
- 5 No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 6 No part of the development hereby permitted shall be brought into use until a 2.00m wide footway has been provided across the site frontage on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 7 The formal written approval of the Local Planning Authority is required prior to commencement of any development within the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.)
- 8 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.
- 9 No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. 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 local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.
- 10 A swept path for a Refuse lorry to turn and exit the site in a forward gear shall be submitted with the 'layout' reserved matter.

The Refuse Lorry is an Elite 6 - 8x4MS wide Track (Euro 6 specifications).

- 11 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from construction works.
- 12 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development. The scheme to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.
- 13 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (1) A Woodland Management Plan detailing (i) any crown thinning of the crowded tree stock and invasive sycamores within the Local Wildlife Site adjacent to the application site, and (ii) any tree, shrub or undergrowth removal within the designated Local Wildlife Site adjoining the application site; (2) A tree protection plan to graphically show the locations of any tree and root protection barriers; (3) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (4) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment which provides

guidance as to how works might be mitigated or compensated for;
(4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall be implemented strictly in accordance with the approved details for the duration of the construction period.

- 14 No development shall take place until there has been submitted to and approved in writing by the Borough Council details of a 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented strictly in accordance with the approved details.
- 15 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological Assessment. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 16 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 17 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) 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 (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 18 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, 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.

- 19 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 20 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented 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 and approved in writing by the Local Planning Authority.
- 21 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in

outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 4 In the interest of highway safety.
- 5 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 6 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 7 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 8 In the interest of Highway Safety.
- 9 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 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).
- 12 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 13 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.
- 14 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and

Policy 17 of the Aligned Core Strategy for Gedling (September 2014).

- 15 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
- 16 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 17 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 18 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 19 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 LPD7.
- 20 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 LPD7.
- 21 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 LPD7.

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) The Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Planning Document Part 2 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

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 Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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.

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. All correspondence with the Highway Authority should be addressed to: TBH - NCC (Highways Development Control) (Floor 8), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site, as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

Advice regarding travel plans can be obtained from the Travel Plans Officer at Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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).

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 Highway Authority for details.

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.

Date Recommended: 24th July 2018

38 APPLICATION NUMBER 2018/0471 - LAND AT ASHWELL STREET, NETHERFIELD

Construction of a new medical centre and pharmacy including associated car and cycle parking facilities, sub-station and landscaping.

Caitriona Kennedy, the applicant, spoke in support of the application.

RESOLVED to grant planning permission subject the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

- 2 This permission shall be read in accordance with the following plans submitted to the Local Planning Authority; drawing numbers 1442-99, 1442- 200 Revision J, 1442-205 Revision A and 1442-300 Revision A received on 8th May 2018 and drawing 1442-100 Revision H received on 23rd July 2018 and the emails from the Agent received on 25th and 27th July 2018 confirming the appearance of the bin store and VRF enclosure screens and the height of the VRF enclosure screen.
- 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 Local Planning Authority 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 Local Planning Authority, an assessment of contamination must be undertaken. This assessment shall include a survey of the extent, scale and nature of contamination and an assessment of the potential risks to human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. The assessment shall be undertaken by a competent person and shall assess any contamination of the site whether or not it originates on site. 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 Local Planning Authority. The remediation scheme and verification reporting shall be implemented as approved.
- 4 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority details of a Dust Management Plan. The plan shall be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The plan shall be implemented in accordance with the approved details and shall be retained for the duration of the construction period.
- 5 Prior to the erection of any external lighting there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the proposed building or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway or adjacent properties. The external lighting shall be provided in accordance with the approved details and shall be retained for the lifetime of the development.

- 6 Prior to the first occupation of the building hereby approved there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted. The approved landscape plan shall be carried out in the first planting season following the occupation of the building. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area 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, shrub or seeded area 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 Local Planning Authority.
- 7 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details.
- 8 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 2 May 2018, Ref: 21/0073/FRA, Clancy Consulting Limited, and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 22.2m above Ordnance Datum (AOD).
- 9 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 1442-100 Rev H. The parking, turning and servicing 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, turning and loading and unloading of vehicles.
- 10 Notwithstanding the details submitted, the development shall not be brought into use until a Travel Plan has been implemented in accordance with a scheme and timescale which shall be first submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall thereafter continue to be implemented as approved.
- 11 Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning

Authority drainage plans for the proposed means of disposal of surface water. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

- 12 The development hereby approved shall not be brought into use until the off-site highway improvement works as indicated on drawing 20139-SK-0003 (Transport Statement Appendix D), with the exception of the bus stop works, have been implemented in full in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority.
- 13 The development shall not be brought into use until the entry and exit markings to the new vehicular accesses have been marked out in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority.
- 14 No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing 1442-100 Rev H has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

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.
- 3 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters.
- 4 In the interests of residential amenity.
- 5 In the interests of residential amenity.
- 6 In the interests of visual amenity.
- 7 To seek to ensure that the construction of the site provides appropriate employment and training opportunities.
- 8 To reduce the risk of flooding to the proposed development and future occupants.

- 9 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.
- 10 In the interests of promoting sustainable travel.
- 11 To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem.
- 12 In the interests of highway safety.
- 13 In the interests of highway safety.
- 14 To promote sustainable transport.

Reasons for Decision

The proposed development would not cause harm to the vitality and viability of the Netherfield local centre, would be of an acceptable design and appearance, would not cause undue harm to residential amenity, would not be detrimental to the surrounding highway network or highway safety and would be acceptable in flood risk terms. The proposal would therefore meet with the objectives of the National Planning Policy Framework 2018, the Aligned Core Strategy Policies A, 1, 6, 10 and 12 and Local Planning Document Policies LPD 3, 32, 48, 49, 50, 57 and 61.

Notes to Applicant

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

The Local Planning Authority 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 the plans have been amended to address concerns with respect to the impact that the development would have upon visual amenity.

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

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 01159 773991 for details.

The Travel Plan coordinator and Final Travel Plan details should be discussed with Transport Strategy at Nottinghamshire County Council contact transport.strategy@nottscc.gov.uk .

To ensure that the appropriate application is submitted to provide No Waiting at Any Time restrictions, please contact mike.barnett@viaem.co.uk for further details

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.

39 APPLICATION NUMBER 2018/0552 - LAND AT THE REAR OF 144 FRONT STREET, ARNOLD

CCTV on the footpath linking Front Street and Smithy Crescent, Arnold.

RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in accordance with the submitted plans and Planning Supporting Statement received on the 5th June 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 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

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.

**40 APPEAL DECISION, APPLICATION NO 2017/0730 - 243
MANSFIELD ROAD, ARNOLD**

Outline permission for dormer bungalow - no rear facing upper floor windows.

RESOLVED:

To note the information.

41 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

42 FUTURE APPLICATIONS LIST

Noted.

43

ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

Breach of Planning Control – Construction of an unauthorised dwelling.

RESOLVED:

That the Service Manager, Development Services, in conjunction with the Director of Organisational Development & Democratic Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and proceedings through the courts if required.

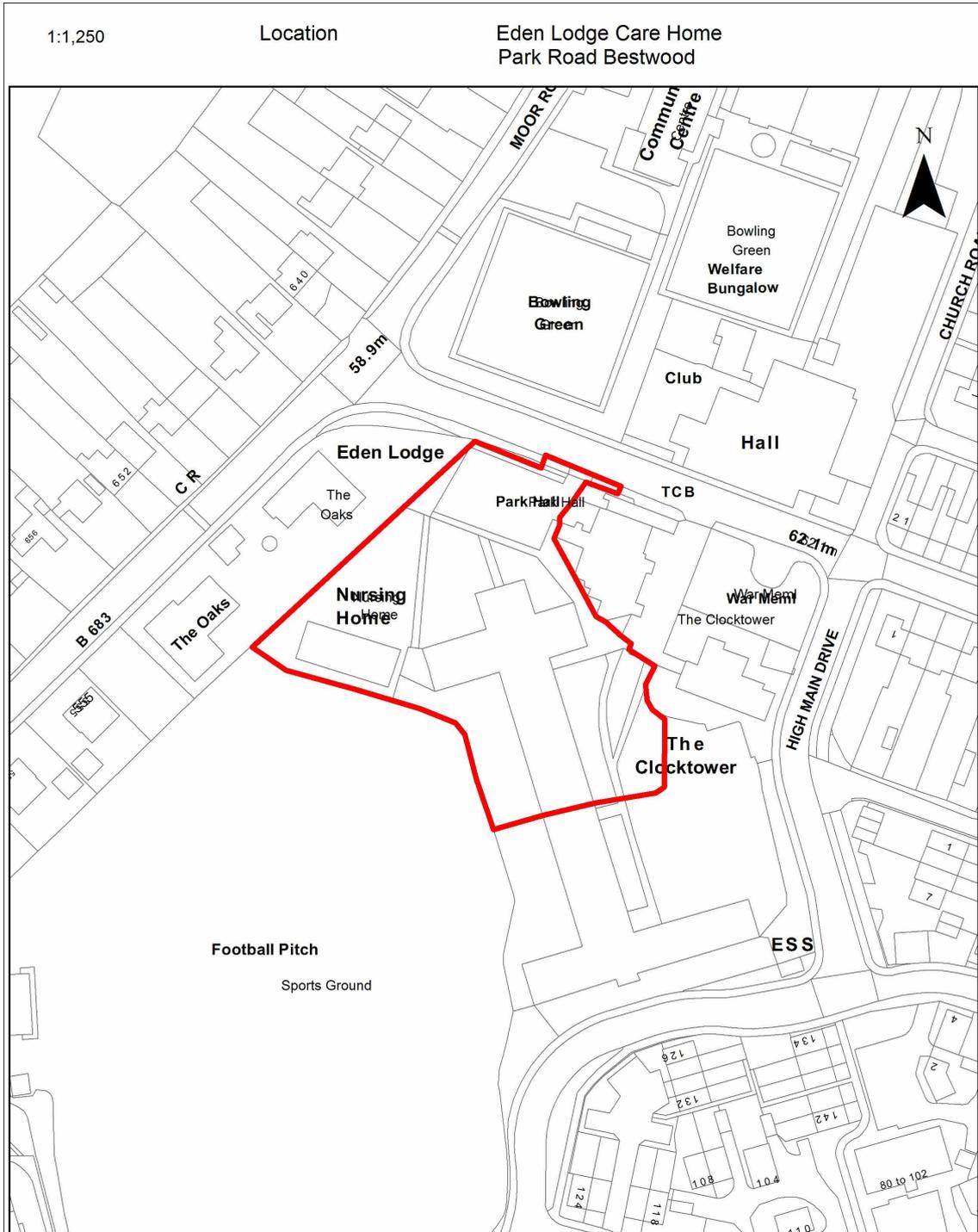
The meeting finished at 7.50 pm

Signed by Chair:
Date:

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Planning Report for 2018/0318



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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Date: 16/08/2018

Report to Planning Committee

Application Number: 2018/0318

Location: Eden Lodge Care Home, Park Road, Bestwood

Proposal: Demolition of the existing Eden Lodge Care home and construction of a new build 64 bed residential care home

Applicant: Sai Om Limited

Agent: RDA Consultant Architects LLP

Case Officer: David Gray

1.0 Site Description

- 1.1 The whole application site which contains the existing care home measures approximately 0.905ha and is located to the south of Park Road within Bestwood Village. To the east of the application site is the 'Clock tower Business Centre' and High Main Drive, to the west there are commercial premises and Moor Road, and to the south is a protected public open space.
- 1.2 The applicant intends to subdivide the site into 2 development areas, with both subject to separate planning applications. The site under consideration for this proposal equates to 0.5118ha.
- 1.3 The site is populated by a large single-storey care home building which extends from the car park at the front of the site back to High Main Drive. The rear elevation overlooks Bestwood Recreation Ground.
- 1.4 The existing site has a car park for approximately 17 vehicles accessed from Park Road.
- 1.5 The rear of the main single storey building is now unoccupied and there is a separate 2 storey building to the west of the site that is securely closed-off and unoccupied as a result of a recent conditions survey.
- 1.6 A small section of the site to the North falls within the Conservation Area boundary which falls along the back of the car park serving the care home.
- 1.7 In close proximity to the application site, to the east, is the Clock Tower (formally the Bestwood Iron and Coal Company Offices) which is a notable

Victorian building dating from the 1870's. Whilst this building is not listed it can clearly be considered a heritage asset to the area.

- 1.8 There is a war memorial situated to the north of the Clock Tower which dates from 1920 which is Grade II Listed.

2.0 Relevant Planning History

- 2.1 In 2003 (ref: 2003/1086) planning permission was granted to change the use of the existing two storey block into offices.

3.0 Proposed Development

- 3.1 Outline Planning Approval is sought for the Demolition of the existing Eden Lodge Care Home and the construction of a new build 64 bed residential care home with matters relating to (i) Access, (ii) Layout, and (iii) Scale being sought for detailed approval and matters relating to (iv) Appearance and (vi) Landscaping being reserved for subsequent approval at reserved matters stage.

- 3.2 The application is accompanied by the following drawings and documents:

- Arboricultural Survey Report & Method Statement;
- Design and Access Statement;
- Transport Statement;
- Geo Environmental Risk Assessment;
- Heritage Impact Assessment;
- Street Visualisations;
- Layout Plans;
- Site Boundary Treatment Plans; and
- Site Sections.

- 3.3 The submitted revised layout plan illustrates that the existing car parking area with an additional car parking area to the west would provide off street car parking. The parking areas would utilise the existing access from Park Road. 29 car parking spaces would be laid out with 2no. accessible bays. A dedicated service vehicle bay is proposed to the east of the proposed care home for unloading goods and for refuse collection.

- 3.4 The Care Home building would have a proposed footprint of 1,664sqm.

- 3.5 The Design and Access statement confirms that whilst the site area in which the care home is to be located is reduced the resulting care home would be slightly bigger with more rooms and would not result in the loss of employment.

- 3.6 The layout plans illustrates how the proposed care home building would be designed with three wings to be a mixture of heights to respond to its orientation, neighbouring buildings and open spaces that surround it. The design incorporates a strong south facing frontage looking onto the existing recreation ground.

3.7 The wing closest to the clock tower would be single storey with the remaining wings being set over 2 / 3 floors.

3.8 Appearance and Landscaping are reserved for future consideration.

4.0 Consultations

4.1 Bestwood Parish Council – No comments received.

4.2 Nottinghamshire County Council (Highway Authority) –
The revised scheme shows an increase in off street car parking to 29 spaces. The bin store still appears to be in the same position and not moved nearer to the site access as requested. However this would be an internal issue between the care home and the refuse teams. The Highway Authority now finds the scheme acceptable subject to a condition requiring the parking, turning and servicing areas to be bound in a hard material with parking bays laid out prior to occupation.

4.3 Nottinghamshire County Council (Lead Local Flood Authority) –
Object in the absence of a surface water management scheme. Further comments will be provided on submission of this information.

4.4 NHS
No requirement for s106 Health Contribution.

4.5 Arboricultural Officer
No objections subject to conditions requiring all tree protection methods described within the tree survey / arboricultural method statement submitted are adhered to.

4.6 Public Protection (Scientific Officer) –
The application is supported by a Phase 1 Desk Top Report (Delta-Simons ref: 17-1419.01 22nd November 2017) covering both the residential and care home scheme. Public Protection are satisfied with the conclusion and recommendations for further assessment. Request standard contaminated land condition is attached to any approval.

4.7 Economic Development –
The size of the development meets the threshold for an Employment 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 term of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training.

4.8 Housing Strategy
Reviewing the internal layout it would appear to be a traditional care home with no kitchens etc in the individual flats/rooms. If the applicant changed the internal layout to be more reflective of a G2 Extra Care type scheme then Housing Strategy would require an element of affordable housing.

4.9 Nottinghamshire County Council (Policy) –
No objections are raised in relation to: Minerals and Waste; Strategic Highways; or Public Health. In relation to Ecology it is noted that a Bat Scoping Survey has not been carried out in support of the application. Such surveys should be undertaken prior to determination.

4.10 Conservation Officer –
No objections to the proposed demolition of the existing care home and support its redevelopment in principle. It is recommended a condition be placed onto any approval that would ensure the demolition does not take place until the approval of reserved matters and importantly a contract is let for the building of a replacement building. This would ensure that following demolition the site is not left in a poor condition/appearance for a lengthy period of time before any new building is erected.

This is an outline application and matters relating to design and landscaping would be addressed at reserved matters stage. It is considered that the proposal presents an opportunity to improve and enhance the site and views towards existing assets, notably the clock tower. No objections to the layout and scale of the proposed development; the development's context with the existing assets has been demonstrated within the layout and scale plans.

4.11 Neighbouring Properties were notified and a Site Notice / Press Notice posted and 1 letter of support was received as a result. The comments can be outlined as follows: -

- Would be happy to see the renovation of the Care Home and the surrounding land;
- The site would benefit from being redesigned and tidied up with better facilities provided.

5.0 Assessment of Application and Planning Considerations

5.1 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 other material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and the additional information provided in the National Planning Practice Guidance (NPPG).

5.3 National Planning Policies

The following parts of the NPPF are of relevance to the principle of this application:

- Part 6 (Building a strong, competitive economy);
- Part 8 (Promoting healthy and safe communities);
- Part 12 (Achieving well-designed places);
- Part 14 (Meeting the challenge of climate change, flooding and coastal change);
- Part 16 (Conserving and enhancing the historic environment).

5.4 Development Plan Policies

On the 10th September 2014 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) which now forms part of the development plan. It is considered that the following GBACS policies are relevant: -

- ACS Policy A (Sustainable Growth);
- ACS Policy 1 (Climate Change);
- ACS Policy 2 (The Spatial Strategy);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);

5.7 Local Planning Document – Part 2 – Local Plan

In July 2018 Gedling Borough Council adopted the Local Planning Document Part 2. The following LPD policies are relevant to this application:

- Policy LPD4 – Surface Water;
- Policy LPD7 – Contaminated Land;
- Policy LPD10 – Pollution;
- Policy LPD11 – Air Quality;
- Policy LPD18 – Protecting and Enhancing Biodiversity;
- Policy LPD28 – Conservation Area;
- Policy LPD31 – Locally Important Heritage Assets;
- Policy LPD32 – Amenity;
- Policy LPD35 – Safe, Accessible and Inclusive Development;
- Policy LPD39 – Specialist Accommodation
- Policy LPD48 – Local Labour Agreements.

5.8 In considering 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 application are as follows: -

- The principle of redeveloping the site;
- Highway implications, including parking provision and access;
- Layout and Scale of development;
- Impact on the amenities of neighbouring premises;
- The impact of the development on the Conservation Area and any Historic Assets;
- Flood risk and drainage;
- Contamination and health and safety;
- Ecology and Trees
- Other considerations.

6.0 The principle of redeveloping the site;

6.1 At the heart of the NPPF is a 'presumption in favour of sustainable development' (paragraph 11). At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways; these are (a) an economic objective; (b) a social objective, and (c) an environmental objective.

- 6.2 Paragraph 80 states that planning decisions 'should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and the wider opportunities for development.'
- 6.3 LPD39 – Specialist Accommodation is relevant to this application and states that planning permission will be granted for specialist accommodation that falls within Class C2 (Residential Institutions) of the Use Class Order, provided the proposals are located within an existing residential area and close to public transport routes, shops, community facilities and open space.
- 6.4 The proposed site falls within the established village envelope of Bestwood Village which is well connected to existing public transport routes, shops, community facilities and open space and therefore the principle is in line with LPD39.
- 6.5 I note that the existing site is already in use as a care home (Use Class D2) and the proposal would incorporate the redevelopment of the care home providing additional accommodation for service users. Given the existing use of the site and that the proposal is to expand and invest in an existing community use, significant weight should be attached to the economic benefits that would arise in line with the requirements of Paragraph 80 of the NPPF.
- 6.6 In my opinion given the significant weight that can be attached to socio-economic benefits and the accessible location of the development I consider the principle of the care home redevelopment is acceptable.
- 7.0 Highway implications, including parking provision and access;**
- 7.1 I note the comments from the Highway Authority that do not raise any objections to the proposed development in planning terms subject to a condition requiring the parking, turning and servicing areas to be bound in a hard material with parking bays laid out prior to occupation.
- 7.2 I concur with the comments received from the Highway Authority and consider that the development would be acceptable in terms of highway safety and appropriate car parking provision.
- 8.0 Layout and Scale of development;**
- 8.1 Policy 10 of the ACS and Policy LPD35 require development to be of a high standard of design that is safe, accessible, and inclusive. 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 should incorporate crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space, and well considered layouts and landscaping.
- 8.2 Matters relating to appearance and landscaping are being reserved for subsequent approval. This outline planning application has been submitted

with matters relating to layout, scale and access to be considered in detail at this outline submission stage.

- 8.3 The immediate surrounding area is characterised by a large converted residential double fronted dwelling to the west that is currently trading as offices for a building contractor. The Bestwood Village Business Centre consisting of a flat roof two storey office complex and the clock tower business centre to the east. To the south of the site is a public protected open space and a new housing development situated on High Main Drive.
- 8.4 Due to the single storey nature of the existing care home the agent has highlighted that there is an opportunity to provide more accommodation on the 2.2 acre site that is currently present following the demolition of the existing buildings. In relation to the layout and scale of the proposal the proposed care home building is designed with three wings to be at a mixture of heights to respond to its orientation, neighbouring buildings and the open spaces surrounding it. The east wing that faces out towards Bestwood Village Business Centre would be set over 2 stories with the element adjacent to the adjoining office and clock tower being single storey. The south facing rear wing would utilise views across the existing public open space and would incorporate rooms within the roof effectively creating a third floor. The considerable amount of accommodation on the south facing wing would benefit from increased sun light for service users from the south facing aspect. The north wing would be set over 2 stories and would reflect the heights of the adjoining properties on Bestwood Business Centre and Moor Road.
- 8.5 In my opinion the proposal presents an opportunity to improve and enhance the immediate setting and the views towards local historic assets, notably the clock tower. I consider that the layout, massing, orientation and form of the proposed care home in this new location would provide a building that better compliments the existing pattern of development in the locality, its orientation being parallel to Park Road and not at an angle. The building would also be set back from the highway utilising the existing car parking area for a new extended car park. The building is also designed so that the massing is reduced, using varied roof heights that breaks up the overall bulk of the building providing a more interesting design. I also note the lower roof closest to the clock tower ensures the setting of the local heritage asset is not harmed. The use of hipped roofs and gable ended wings reduces the overall massing and would provide a more traditional form that in my view would be an improvement to the existing building on site in design terms. The two storey elements of the new building would be located further to the west of the site in the central part of the building, but even here, I consider that the plans as proposed are acceptable in their form as there will be sufficient distance between the two storey elements of the proposed building and the heritage assets so that their setting is not harmed. The proposed location, orientation, form, height and shape would be acceptable in my opinion; however, this would be subject to the detailed elevation designs that would be considered at reserved matters stage.
- 8.6 The layout plans, which include indicative landscaping details, illustrate how the building would accessed via a number of pedestrian routes which would

also provide pedestrians routes through the private garden areas that are proposed. It is my opinion that the layout would incorporate legible pedestrian routes that would be accessible to all service users. Should outline planning permission be forthcoming precise details relating to landscaping would be sought as a reserved matter.

- 8.7 In assessing the layout and scale of the development on the localised streetscene and the wider area I consider that the massing, scale and layout would be in keeping with the existing street vernacular. Whilst I accept that the development would result in a prominent building of increased height this should be seen within the wider context of its immediate setting adjacent to Bestwood Business Centre where comparable building heights are present. In my opinion the layout and massing would be an improvement to the existing street elevations and would result in positive enhancements to Bestwood Village and in turn improve and enhance local distinctiveness.
- 8.8 In light of the above considerations I consider the development would result in a well-designed development that would add to the architectural quality of the area and bring social economic benefits to the village of Bestwood.

9.0 Impact on the amenities of neighbouring premises;

- 9.1 Amenity considerations relevant to this proposal include the impact on existing residents in terms of overshadowing, overlooking or overbearing impact. Policy LPD32 states that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- 9.2 The main impact on residential amenity is likely to be from the construction phase and it is accepted that there is likely to be some impact on residential amenity during this phase. The nearest buildings that could be affected are those within the Bestwood Business Centre and the properties on Highway Main Drive. In my view the impacts of the construction activities could be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic management, control of pollution, waste management, noise, dust and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through condition.
- 9.3 I note the layout plan submitted and the orientation of the building in relation to nearby properties. I also note that the main elevations of the building would face out onto the public open space / private open space and an existing Business Centre and would not be in close proximity to residential properties. In my opinion the proposal would not result in any undue impact in terms of overlooking onto neighbouring dwellings. I note the considerations in paragraph 8.4 and 8.5 above and consider that the scale and massing of the development would not result in any significant undue overbearing or overshadowing impact on nearby premises.
- 9.4 Given that it is considered the proposal would have no undue impact on the amenity of nearby premises the proposed development would accord with the

requirements of policy LPD32 which relate to protecting the amenity of adjoining development.

10.0 The impact of the development on the Conservation Area and any Historic Assets;

- 10.1 I note that the north of the site, in which the existing car park is located, is within the Conservation Area of Bestwood. I also note that there is a Grade II Listed war memorial and the Clock Tower (local interest building) in close proximity of the site.
- 10.2 The NPPF has a number of principles in Chapter 16 relating to the conservation of heritage assets in a manner appropriate to their significance. Paragraph 200 states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. LPD28 states that planning permission will not be granted for development proposals affecting the setting of Conservation Areas, if it adversely affects its significance including character, appearance of, or views into or out of Conservation Areas.
- 10.4 Paragraph 4.10 above highlights the observations of the Conservation Officer which states that the proposed development presents an opportunity to improve and enhance the site and views towards existing assets, notably the clock tower. No objections are raised in relation to the layout and scale of the proposed development; the development's context with the existing assets has been demonstrated within the layout and scale plans.
- 10.5 I have carefully considered the design and layout of the development in chapter 8.0 above. I also note the comments from the Conservation Officer where no objections are raised. I also note that the current care home is a long building that stretches the length of the application site which severs views from the south, at High Main Drive and the Public Open Space (Sports Ground). I note that the proposed layout would split the site and the existing built form creating new unrestricted views between the proposed care home and proposed housing towards the Conservation Area. A new vista along access drive to the proposed housing development that accompanies this proposal (2018/0319) would also be created. It is my opinion that the design and layout of the proposal would improve significant views to important assets from the public realm and would enhance or better reveal their significance.
- 10.6 In terms of impact upon the listed war memorial I consider that the proposed development will not harm the setting of the grade II listed war memorial.
- 10.7 I note the request for a condition to be attached requiring the demolition not to take place prior to the approval of reserved matters. I am satisfied that the standard reserved matters conditions would be required to be formally discharged prior to the commencement of development.
- 10.8 There is an indicative landscaping scheme including boundary treatments, the details of which appear sympathetic to the overall planned design of the area and setting of the Conservation Area. Overall, the impact of the proposed

development upon the setting of the Conservation Area, the street scene along Park Road and the setting of local and designated heritage assets is such that the development will in my view enhance their appearance and setting, the locality and surrounding areas while providing an important purpose built care home for Bestwood. I therefore consider the proposal would accord with Chapter 16 of the NPPF and LPD28.

11.0 Water resources, flood risk and drainage;

- 11.1 I note the application 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 a statutory consultee on this application.
- 11.2 Policy LPD4 – 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 the risk of flooding on the development site without increasing flood risk elsewhere.
- 11.3 I note that the Lead Local Flood Authority were consulted and responded with an objection in the absence of surface water drainage plans. Given that the application is for outline planning permission with matters relating to landscaping reserved for future approval and the substantial nature of the development and the potential for increased surface water run-off as a result of the proposed development, I consider it appropriate, in line with the requirements of LPD4, to secure Surface Water Drainage plans by way of condition.
- 11.4 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 Contamination and health and safety;

- 12.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 15 of the NPPF and LPD7, LPD10 and LPD11.
- 12.2 Section 15 of the NPPF as reinforced by local policy requires development to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution.
- 12.3 I note that Gedling Borough Public Protection have reviewed the phase 1 desk top contamination survey and have no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that contamination is monitored and mitigated against. Subject to the condition it is my opinion, therefore, that the proposed development would accord with Section 15 of the NPPF and Policies LPD7 and LPD10.

13.0 Ecology / Trees

- 13.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 15 of the NPPF, Policy 17 of the ACS and LPD18.
- 13.2 I note the comments from the NCC Ecology and the absence of a bat survey covering the demolition of the premises. Policy LPD18 (Protecting and Enhancing Biodiversity) sets out that development proposals affecting designated sites and priority habitats and species should only be permitted if there is no significant harm to the biodiversity site. Any harm should be avoided, and where this is not possible the impacts should be mitigated. The policy goes on to state that lastly, residual impacts should be compensated. Should planning permission be forthcoming I would attach a condition to any approval requiring a Bat Survey and Mitigation Strategy to be submitted with the reserved matters application prior to development commencing.
- 13.2 I note that a Tree Survey and Arboricultural Method Statement were submitted with this application and the Arboricultural Officer has no objections subject to the details being adhered to. Should planning permission be forthcoming a condition relating to the measures required by the Tree Survey and Arboricultural Method Statement would be attached to any approval.
- 13.3 Subject to the details being sought to mitigate potential biodiversity impacts to bats and to secure the tree protection measures proposed, I consider that, on balance and taking into account the public benefits achieved as a result of the proposal, it would constitute sustainable form of development in accordance with Policy 17 of the ACS and LPD18.

14.0 Other considerations.

- 14.1 I note the comments from Economic Development and that the proposal would be above the threshold for an Employment and Skills Strategy to be developed and Implemented in accordance with the CITB and the National Skills Academy for Construction Client-Based Approach; Local Client Guidance for England. Given the size of the development below what is classed a Major development and no other s106 contributions are being sought, should planning permission be forthcoming, I would attach a condition to any approval requiring an Employment and Skills Plan to be agreed prior to the development first commencing in accordance with LPD48.

15.0 Conclusion

- 15.1 The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and, the Local Plan Part 2 where appropriate.
- 15.2 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.

15.3 Planning obligations are being sought in accordance with the requirements of the NPPF.

16.0 Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION with matters relating to Appearance and Landscaping for subsequent approval, and subject to the following conditions:

Conditions

- 1 Approval of the details of landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters
- 3 The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the plans and documents received on the 22nd March 2018 and the revised plans received 3rd May 2018: - Application Forms; Design and Access Statement; First Floor Plan (2349(08)009; Proposed Attic Floor Plan (2349(08)010); Boundary Treatments Site A + Site B (2349(08)011; Site A (Care Home) Site Sections. Sheet 1 (2349(08)S01 A); Site A (Care Home) Site Sections. Sheet 2 (2349(08)S02; Street Visualisation from Sports Ground looking north 2349(08)V03; Street Visualisation from Moor Road (2349(08)V04; Street Visualisation from Bowling Green (2340(08)V05; Street Visualisation from Park Road 2349(08)V06; Aerial View 1 (2349(08)V07; Aerial View 2 (2349(08)V08; Aerial View 3 (2349(08)V09; Existing Site Plan Constraints Care Home (2349(08)003; Location Plan; Transport Statement; Arboricultural Survey Report & Method Statement (Nov 2017); Tree Retention and Protection (2349(08)004 Rev B; Site Plan - Care Home Development (2349(08)005 Rev B; Site Plan - Care Home Development (2349(08)006 Rev A; and Ground Floor Plan (2349(08)008 Rev A.
- 4 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number (Drawing ref: 2349 (08) 005 RevB). The parking, turning and servicing 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, turning and loading and unloading of vehicles.
- 5 Before development is commenced on site there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be

implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.

- 6 The detailed plans and particulars to be submitted to the Local Planning Authority as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted; (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 the premises such as driveways and footpaths to access 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.
- 7 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, 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 Local Planning Authority.
- 8 Before development has commenced there shall be submitted to and approved in writing a Bat Scoping Survey and Mitigation Strategy for all buildings that are to be demolished. Once approved the development shall be carried out strictly in accordance with the approved Bat Scoping Survey and Method Statement.
- 9 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 10 In the event that remediation identified in the Remediation Scheme is required to render the development suitable for use, the agreed remediation scheme shall be implemented 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 and approved in writing by the Local Planning Authority.

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. Prior to the first occupation of the development an Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 12 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period of the development. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 13 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted and the creation of new jobs in the local area. The Local Employment Agreement shall be implemented strictly in accordance with the approved details, unless otherwise prior agreed in writing by the Local Planning Authority.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt.
- 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 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, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.

- 6 To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with LPD35.
- 7 To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with LPD35.
- 8 To ensure that practicable and effective measures are taken to protect bats and their roosts during the construction of the development in accordance with LPD18.
- 9 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 LPD7 and LPD10.
- 10 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 LPD7.
- 11 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 LPD7.
- 12 To protect the residential amenity of the area in accordance with the aims of Section 15 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD32 (Amenity).
- 13 To seek to ensure that the development provides appropriate employment and training opportunities, in accordance with Policy 4 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 Local Planning Document 2017, 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.

Notes to Applicant

The detailed surface water drainage scheme to be submitted shall: - require all flows to be attenuated to Qbar for the entire site;- include provision for the entire site to be drained to the surface water drainage system with appropriate run-off coefficients or other factors used to represent the differing run off characteristics of the various parts of the site;- include an exceedance check using microdrainage software to

simulate the drainage system for the 100year + 30% climate change event for a range of durations from 15 minutes to 24 hours to assess where the drainage system may flood. If this occurs, provision must be made for the accumulated volumes and flows to be directed to the surface water attenuation areas; - demonstrate that the surface water drainage system is designed in accordance with CIRIA C635 and C753, and the National SUDS Standards;- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year plus climate change return periods;- confirm how on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

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.

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 not payable on the development hereby approved as the development type proposed is zero rated in this location.

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 paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have

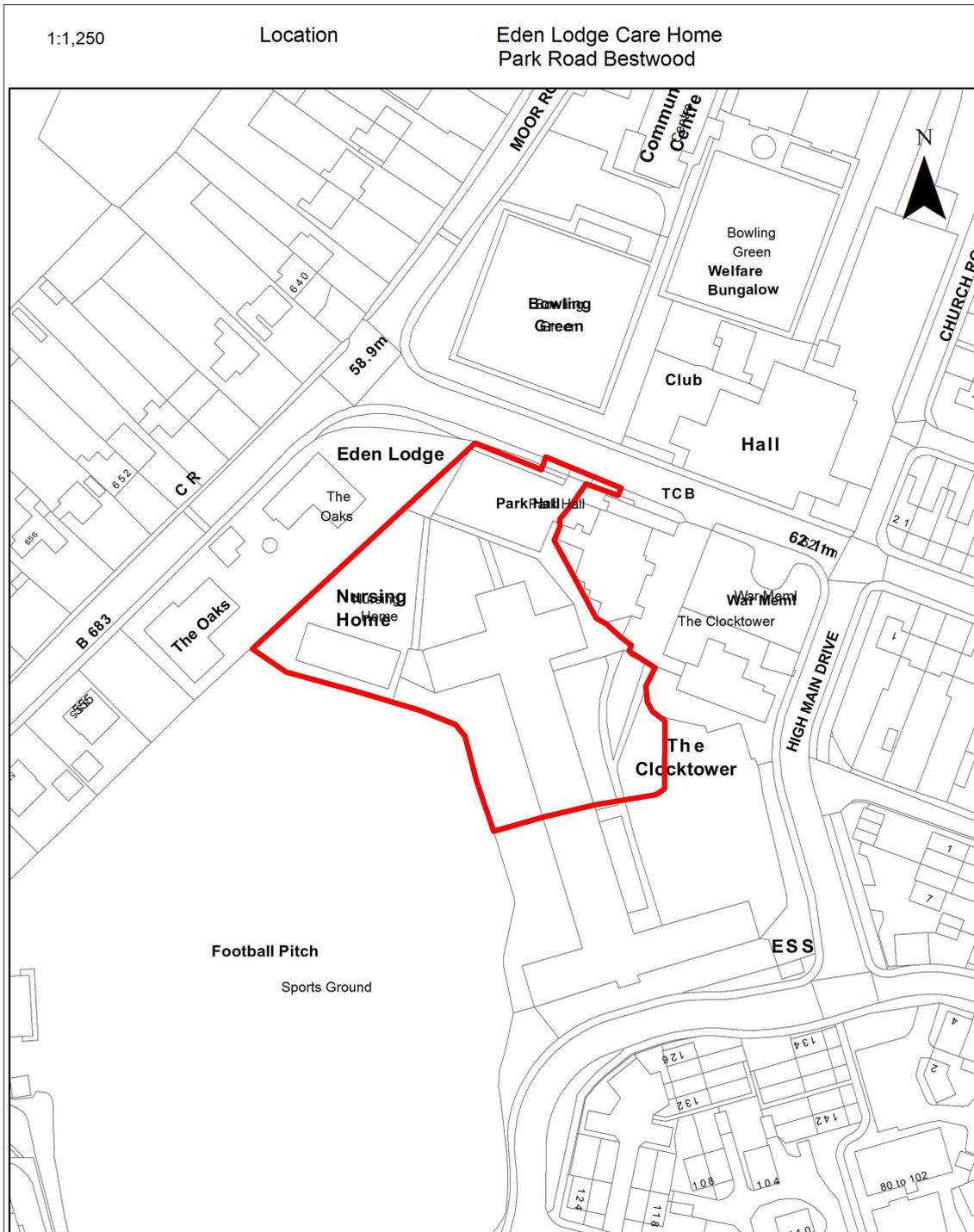
subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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.

Date Recommended: 20th August 2018



Planning Report for 2018/0319



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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Date: 16/08/2018

Report to Planning Committee

Application Number:	2018/0319
Location:	Eden Lodge Care Home, Park Road, Bestwood
Proposal:	Demolition of the existing Eden Lodge Care home facility and construction of 12 dwellings at Park Road Bestwood
Applicant:	Sai Om Limited
Agent:	RDA Consultant Architects LLP
Case Officer:	David Gray

1.0 Site Description

- 1.1 The whole application site which contains the existing care home measures approximately 0.905ha and is located to the south of Park Road within Bestwood Village. To the east of the application site is the 'Clock tower Business Centre' and High Main Drive, to the west there are commercial premises and Moor Road, and to the south is a protected public open space.
- 1.2 The applicant intends to subdivide the site into 2 development areas, with both subject to separate planning applications. The site under consideration for this proposal equates to approximately 0.39ha.
- 1.3 The site is populated by a large single-storey care home building which extends from the car park fronting Moor Road back to High Main Drive. The rear elevation overlooks Bestwood Recreation Ground.
- 1.4 The application site is the south section of the wider site which adjoins the Sports Ground to the west, High Main Drive to the south and Bestwood Business Centre to the east. The north of the wider site is subject to a separate application for redevelopment (2018/0318).
- 1.5 The rear of the main single storey building is now unoccupied and there is a separate 2 storey building to the west of the site that is securely closed-off and unoccupied as a result of a recent conditions survey.
- 1.6 In close proximity to the application site, to the east, is the Clock Tower (formally the Bestwood Iron and Coal Company Offices) which is a notable

Victorian building dating from the 1870's. Whilst this building is not listed it can clearly be considered a heritage asset to the area.

- 1.7 There is a war memorial situated to the north of the Clock Tower which dates from 1920 which is Grade II Listed.

2.0 Relevant Planning History

- 2.1 In 2003 (ref: 2003/1086) planning permission was granted to change the use of the existing two storey block into offices.
- 2.2 Outline Planning Permission (ref: 2018/0318) is under consideration, alongside this application, for the erection of a 64 Bedroom residential care home

3.0 Proposed Development

- 3.1 Outline Planning Approval is sought for the demolition of the existing Eden Lodge Care Home and the construction of 10 no. 3 bedroom dwellings and 2 no. 4 bedroom dwellings, configured as 6 no. semi-detached units, with private gardens and off street car parking for residents. Matters relating to (i) Access, (ii) Layout, and (iii) Scale being sought for detailed approval and matters relating to (iv) Appearance and (vi) Landscaping being reserved for subsequent approval at reserved matters stage.
- 3.2 Layout is to be considered in detail at outline submission stage. A new cul-de-sac street is proposed via a new junction to High Main Drive to the south and turning head to the north. The carriage way is proposed to run north-south, allowing rear views from over half of the houses to be directed to the green open space of the recreation ground.
- 3.3 Scale is to be considered in detail at outline submission stage. The development represents traditional two storey dwellings with pitched roofs and would be in keeping with the scale of existing residential development in the area.
- 3.4 Access into the proposed development has been designed to an adoptable standard in accordance with the 6C's Design Guide including a turning head. Highway works with appropriate visibility splays are proposed which are to standard and suitable for this location.
- 3.5 2 off street car parking spaces are provided for each 3 bedroomed dwelling and 3 off street car parking spaces are allocated for each 4 bedroom dwelling.

4.0 Consultations

- 4.1 Bestwood Parish Council – No comments received.
- 4.2 Nottinghamshire County Council (Highway Authority) – The Highway Authority is in receipt of revised/additional plans for the proposal which overcome the concerns which were raised as part of the previous correspondence. The comments regarding the proposed layout of the site are

made on the revised plan entitled 'Site Plan Housing Development', drawing no.2349 (08)104 C.

The Highway Authority is satisfied that all outstanding issues with regards to visibility splays, radius kerbs at the access point, refuse turning, car parking for plots 1 & 2 have been resolved. In view of this, the Highway Authority considers that the proposal is now satisfactory, and now has no objections subject to conditions relating to precise details of new road, provision of visibility splays, surfacing of parking and turning, surface water, and wheel washing facilities.

- 4.3 Nottinghamshire County Council (Lead Local Flood Authority) – Object in the absence of a surface water management scheme. Further comments will be provided on submission of this information.
- 4.4 NHS
No requirement for s106 Health Contribution.
- 4.5 Arboricultural Officer
No objections subject to conditions requiring all tree protection methods described within the tree survey / Arboricultural method statement submitted are adhered to.
- 4.6 Public Protection (Scientific Officer) –
The application is supported by a Phase 1 Desk Top Report (Delta-Simons ref: 17-1419.01 22nd November 2017) covering both the residential and care home scheme. Public Protection are satisfied with the conclusion and recommendations for further assessment. Request standard contaminated land condition is attached to any approval.
- 4.7 Economic Development –
The size of the development meets the threshold for an Employment 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 term of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training.
- 4.8 Housing Strategy
The affordable housing supplementary guidance requires that 20% of dwellings are built as affordable units on sites 15+ dwellings in this housing sub market. The application does not meet this threshold.
- 4.9 Conservation Officer –
No objections to the proposed demolition of the existing care home and support its redevelopment in principle. It is recommended a condition be placed onto any approval that would ensure the demolition does not take place until the approval of reserved matters and importantly a contract is let for the building of a replacement building. This would ensure that following demolition the site is not left in a poor condition/appearance for a lengthy period of time before any new building is erected.

This is an outline application and matters relating to design and landscaping would be addressed at reserved matters stage. It is considered that the proposal presents an opportunity to improve and enhance the site and views towards existing assets, notably the clock tower. No objections to the layout and scale of the proposed development; the development's context with the existing assets has been demonstrated within the layout and scale plans.

4.10 NCC Education

No obligations are required towards education.

4.11 Neighbouring Properties were notified and a Site Notice / Press Notice posted and 2 letters were received as a result. The comments can be outlined as follows: -

- Request that trees are protected as these are an integral part of the village landscape;
- Ensure soft landscaping would be in keeping with the village;
- The Design of the development would need to be sympathetic to the surrounding area;
- With more homes, concerns are raised on the impact on the village's limited amenities;
- Consideration should be given to the impact on the heritage assets (clock tower and memorial);
- Development works – access hours / hours of work as this would have an impact on the amenity of existing residents.

5.0 Assessment of Application and Planning Considerations

5.1 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 other material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and the additional information provided in the National Planning Practice Guidance (NPPG).

5.3 National Planning Policies

The following parts of the NPPF are of relevance to the principle of this application:

- Part 6 (Building a strong, competitive economy);
- Part 8 (Promoting healthy and safe communities);
- Part 12 (Achieving well-designed places);
- Part 14 (Meeting the challenge of climate change, flooding and coastal change);
- Part 16 (Conserving and enhancing the historic environment).

5.4 Development Plan Policies

On the 10th September 2014 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) which now forms part of the

development plan. It is considered that the following GBACS policies are relevant: -

- ACS Policy A (Sustainable Growth);
- ACS Policy 1 (Climate Change);
- ACS Policy 2 (The Spatial Strategy);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);

5.7 Local Planning Document – Part 2 – Local Plan

In July 2018 Gedling Borough Council adopted the Local Planning Document Part 2. The following LPD policies are relevant to this application:

- Policy LPD4 – Surface Water;
- Policy LPD7 – Contaminated Land;
- Policy LPD10 – Pollution;
- Policy LPD11 – Air Quality;
- Policy LPD18 – Protecting and Enhancing Biodiversity;
- Policy LPD28 – Conservation Area;
- Policy LPD31 – Locally Important Heritage Assets;
- Policy LPD32 – Amenity;
- Policy LPD33 – Residential Density;
- Policy LPD35 – Safe, Accessible and Inclusive Development;
- Policy LPD37 – Housing Type, Size and Tenure;
- Policy LPD40 – Housing Developments on Unallocated Sites;
- Policy LPD48 – Local Labour Agreements;
- Policy LPD57 – Car Parking Standards;
- Policy LPD61 – Highway Safety.

5.8 In considering 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 application are as follows: -

- The principle of redeveloping the site;
- Highway implications, including parking provision and access;
- Layout and Scale of development;
- Impact on the amenities of neighbouring premises;
- The impact of the development on the Conservation Area and any Historic Assets;
- Flood risk and drainage;
- Contamination and health and safety;
- Other considerations.

6.0 The principle of redeveloping the site;

6.1 At the heart of the NPPF is a ‘presumption in favour of sustainable development’ (paragraph 11). At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways; these are (a) an economic objective; (b) a social objective, and (c) an environmental objective.

- 6.2 The proposal is located within the established village envelope of Bestwood and, as such, accords with the strategy of urban concentration set out in ACS Policy 2 and therefore the principle of the residential redevelopment of the site is supported by this policy.
- 6.3 Policy LPD33 sets out the residential density requirements of at least 25 dwellings per hectare within or adjacent to Bestwood Village. The application proposes 12 dwellings on a site of 0.39 hectares equating to greater than 30 dwellings per hectare. As such, the proposed density would be above the minimum density required in this area and would therefore accord with LPD33.
- 6.4 Given the location of the development within the established village envelope of Bestwood Village 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 acceptable in principle subject to the detailed consideration of the following matters.

7.0 Highway implications, including parking provision and access;

- 7.1 I note the comments from the Highway Authority that do not raise any objections to the proposed development in planning terms subject to conditions requiring the parking and turning areas to be bound in a hard material.
- 7.2 When considering the car parking provisions the adopted Car Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 and Policy LPD57. The proposed development is for 12 residential units within the village envelope of Bestwood with minimum allocated car parking of 2 spaces for 3 bed dwellings and 3 spaces for 4 bed dwellings. When referring to the Parking Provision for Residential developments allocated provision would result in additional demand of 3 unallocated spaces.
- 7.3 Whilst I note that the development would result in an under provision of unallocated car parking I do however note that each individual house has a minimum 2 off street car parking spaces. The central access drive that terminates at the spur of the cul-de-sac has been designed to adoptable standards and for a development of this size I consider adequate on-street car parking would be available to visitors to the site within the application site boundary without the need for overspill car parking on the adjoining High Main Drive.
- 7.4 I also note that the Highway Authority have been consulted and have not objected to the level of car parking provision or raised any highway safety implications. Should planning permission be forthcoming I would suggest attaching the conditions from the Highway Authority with regards to the parking/turning and servicing areas, the new access provision, and details to prevent the deposit of debris upon the public highway with reference to the amended plan.

8.0 Layout and Scale of development;

- 8.1 Policy 10 of the ACS and Policy LPD35 require development to be of a high standard of design that is safe, accessible, and inclusive. 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 should incorporate crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space, and well considered layouts and landscaping.
- 8.2 Matters relating to appearance and landscaping are being reserved for subsequent approval. This outline planning application has been submitted with matters relating to layout, scale and access to be considered in detail at this outline submission stage.
- 8.4 The immediate area to the south of the application site is defined by the recently completed residential development on High Main Drive which is a mixture 2, 3, and 4 bedroomed properties set over two floors. The proposal for 12 semi-detached 2 storey dwellings would match the immediate surrounding residential development. When considering the proposed layout and density of the development I am satisfied that it reflects the pattern of residential development in the immediate surrounding area.
- 8.5 I note that the layout shows that front facing development has been achieved along the primary access to the site and within the proposed cul-de-sac which allows for strong frontages to the public realm supporting natural surveillance and opportunities for landscaping.
- 8.6 Overall it is considered that an imaginative layout has been achieved on the site which suitably connects to the characteristics of the immediate surrounding area. Subject to the detailed design of the individual dwellings and landscaping at reserved matters stage I am satisfied that the layout accords with the broad aims of the NPPF, Policy 10 of the ACS, and Policy LPD35.

9.0 Impact on the amenities of neighbouring premises;

- 9.1 Residential amenity considerations relevant to this proposal include the impact from the level of activity, overlooking, overshadowing, and overbearing impacts. Criterion f) of Policy 10 of the GBACS relates to the impact on the amenity of nearby residents. This is echoed within Policy LPD32 which states permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- 9.2 The submitted layout plan illustrates that adequate garden depths have been achieved with rear elevations being a considerable distance from adjoining residents to ensure that there would be no undue overlooking, overbearing or overshadowing impact as a result of the development.
- 9.3 I note the comments received regarding the disturbance that could occur during construction. The nearest buildings that could be affected are those

within the Bestwood Business Centre and the properties on Highway Main Drive. In my view the impacts of the construction activities could be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic management, control of pollution, waste management, noise, dust and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through condition.

- 9.4 Given that it is considered the proposal would have no undue impact on the amenity of nearby premises the proposed development would accord with the requirements of GBACS Policy 10 and Policy LPD32 which relate to protecting the amenity of adjoining development.

10.0 The impact of the development on the Conservation Area and any Historic Assets;

- 10.1 I note that the north of the site, in which the existing car park is located, is within the Conservation Area of Bestwood. I also note that there is a Grade II Listed war memorial and the Clock Tower (local interest building) in close proximity of the site.
- 10.2 The NPPF has a number of principles in Chapter 16 relating to the conservation of heritage assets in a manner appropriate to their significance. Paragraph 200 states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. LPD28 states that planning permission will not be granted for development proposals affecting the setting of Conservation Areas, if it adversely affects its significance including character, appearance of, or views into or out of Conservation Areas.
- 10.4 Paragraph 4.9 above highlights the observations of the Conservation Officer which states that the proposed development presents an opportunity to improve and enhance the site and views towards existing assets, notably the clock tower. No objections are raised in relation to the layout and scale of the proposed development; the development's context with the existing assets has been demonstrated within the layout and scale plans.
- 10.5 I have carefully considered the design and layout of the development. I also note the comments from the Conservation Officer where no objections are raised. I also note that the current care home is a long building that stretches the length of the application site which severs views from the south, at High Main Drive and the Public Open Space (Sports Ground). I note that the proposed layout would split the site and the existing built form creating new unrestricted views between the proposed care home and proposed housing towards the Conservation Area. A new vista along access drive through the proposed housing development would also be created. It is my opinion that the design and layout of the proposal would improve significant views to important assets from the public realm and would enhance or better reveal their significance.

- 10.6 In terms of impact upon the listed war memorial I consider that the proposed development will not harm the setting of the grade II listed war memorial.
- 10.7 I note the request for a condition to be attached requiring the demolition not to take place prior to the approval of reserved matters. I am satisfied that the standard reserved matters conditions would be required to be formally discharged prior to the commencement of development.
- 10.8 There is an indicative landscaping scheme including boundary treatments, the details of which appear sympathetic to the overall planned design of the area and setting of the Conservation Area. Overall, the impact of the proposed development upon the setting of the Conservation Area, the street scene along High Main Drive and the setting of local and designated heritage assets is such that the development will in my view enhance their appearance and setting, the locality and surrounding areas while providing a wider mixture of housing available for the local community. I therefore consider the proposal would accord with Chapter 16 of the NPPF and LPD28.

11.0 Water resources, flood risk and drainage;

- 11.1 I note the application 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 impact on an area at risk at flooding or existing water causes the Environment Agency were not a statutory consultee on this application.
- 11.2 Policy LPD4 – 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 the risk of flooding on the development site without increasing flood risk elsewhere.
- 11.3 I note that the Lead Local Flood Authority were consulted and responded with an objection in the absence of surface water drainage plans. Given that the application is for outline planning permission with matters relating to landscaping reserved for future approval and the substantial nature of the development and the potential for increased surface water run-off as a result of the proposed development, I consider it appropriate, in line with the requirements of LPD4, to secure Surface Water Drainage plans by way of condition.
- 11.4 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 Contamination and health and safety;

- 12.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 15 of the NPPF and LPD7, LPD10 and LPD11.

- 12.2 Section 15 of the NPPF as reinforced by local policy which requires development to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution.
- 12.3 I note that Gedling Borough Public Protection have reviewed the phase 1 desk top contamination survey and have no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that contamination is monitored and mitigated against. Subject to the condition it is my opinion, therefore, that the proposed development would accord with Section 15 of the NPPF and Policies LPD7 and LPD10.

13.0 Ecology / Trees

- 13.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 15 of the NPPF, Policy 17 of the ACS and LPD18.
- 13.2 I note the comments from the NCC Ecology and the absence of a bat survey covering the demolition of the premises. Policy LPD18 (Protecting and Enhancing Biodiversity) sets out that development proposals affecting designated sites and priority habitats and species should only be permitted if there is no significant harm to the biodiversity site. Any harm should be avoided, and where this is not possible the impacts should be mitigated. The policy goes on to state that lastly, residual impacts should be compensated. Should planning permission be forthcoming I would attach a condition to any approval requiring a Bat Survey and Mitigation Strategy to be submitted with the reserved matters application prior to development commencing.
- 13.2 I note the representation received regarding the retention of trees and their positive impact on the visual amenity of the village. I also note that a Tree Survey, Arboricultural Method Statement and Tree Retention Plan were submitted with this application and the Arboricultural Officer has no objections subject to the details being adhered to. Should planning permission be forthcoming a condition relating to the measures required by the Tree Survey and Arboricultural Method Statement would be attached to any approval. I am satisfied that the details submitted illustrate how substantial trees would be retained and the visual amenity of the area would not be significantly adversely affected. I am also satisfied that during reserved matters application details of landscaping would be sought that would help assimilate the development in the surrounding area.
- 13.3 Subject to the details being sought to mitigate potential biodiversity impacts to bats and to secure the tree protection measures proposed, I consider that, on balance and taking into account the public benefits achieved as a result of the proposal, it would constitute sustainable form of development in accordance with Policy 17 of the ACS and LPD18.

14.0 Other considerations.

- 14.1 I note the comments from Economic Development and that the proposal would be above the threshold for an Employment and Skills Strategy to be developed and Implemented in accordance with the CITB and the National Skills Academy for Construction Client-Based Approach; Local Client Guidance for England. Given the size and that no other s106 contributions are being sought, should planning permission be forthcoming, I would attach a condition to any approval requiring an Employment and Skills Plan to be agreed prior to the development first commencing.
- 14.2 I note the comments received with regards to the socio-economic impacts the development would have on the local area. I can confirm that all statutory bodies were consulted and the quantum of development gave rise to no obligations being sought towards health, education, affordable housing, or integrated transport.

15.0 Conclusion

- 15.1 The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and, the Local Plan Part 2 where appropriate.
- 15.2 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.

16.0 Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION with matters relating to Appearance and Landscaping for subsequent approval, and subject to the following conditions:

Conditions

- 1 Approval of the details of landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters
- 3 The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the plans and documents received on the 23rd March 2018 and the revised plans received on 3rd May 2018: - Application Forms; Design and Access Statement; Boundary Treatments Site A + B (2349(08)011; House Type A Floor Plans (2349(08)106; House Type B Floor Plans (2349(08)107; House Type C Floor Plans (2349(08)108; Site B (Housing) Site Sections-Sheet 1 (2349(08)S03_A); Site B (Housing) Site Sections-Sheet 2 (2349(08)S04); Street visualisation from High Main Drive looking north (2349(08)V01); Street visualisation from High Main Drive looking west (2349(08)V02); Street

visualisation from sports ground looking north (2349(08)V03); Aerial View 1 (2349(08)V07); Aerial View 2 (2349(08)V08); Aerial View 3 (2349(08)V09); Transport Statement (ADC1738-A); Arboricultural Survey Report and Method Statement (Nov 2017); Revised Location Plan (2349(02)L01_B); Revised Existing Site Plan Constraints Housing Development (2349(08)101_B); Revised Tree Retention and Protection Housing (2349(08)102_B); Revised Proposed Site Plan and Block Plan (2349(08)103_B); Revised Site Plan Housing Development (2349(08)104_B).

- 4 No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, visibility splays, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
- 5 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.
- 6 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.
- 7 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.
- 8 No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the LPA. 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.
- 9 Before development is commenced on site there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.
- 10 The detailed plans and particulars to be submitted to the Local Planning Authority as reserved matters in relation to landscaping shall include: (a)

details of the size, species, positions and density of all trees and shrubs to be planted; (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 the premises such as driveways and footpaths to access 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.

- 11 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, 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 Local Planning Authority.
- 12 Before development has commenced there shall be submitted to and approved in writing a Bat Scoping Survey and Mitigation Strategy for all buildings that are to be demolished. Once approved the development shall be carried out strictly in accordance with the approved Bat Scoping Survey and Method Statement.
- 13 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 14 In the event that remediation identified in the Remediation Strategy is required to render the development suitable for use, the agreed remediation scheme shall be implemented 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 and approved in writing by the Local Planning Authority.
- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local

Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

- 16 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period of the development. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 17 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted and the creation of new jobs in the local area. The Local Employment Agreement shall be implemented strictly in accordance with the approved details, unless otherwise prior agreed in writing by the Local Planning Authority.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt.
- 4 To ensure the development is constructed to adoptable standards.
- 5 To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
- 6 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 7 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 8 In the interests of Highway safety.

- 9 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, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 10 To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with LPD35.
- 11 To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with LPD35.
- 12 To ensure that practicable and effective measures are taken to protect bats and their roosts during the construction of the development in accordance with LPD18.
- 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 LPD7 and LPD10.
- 14 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 LPD7.
- 15 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 LPD7.
- 16 To protect the residential amenity of the area in accordance with the aims of Section 15 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD32 (Amenity).
- 17 To seek to ensure that the development provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014) and LPD48.

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 Local Planning Document 2017, 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.

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.

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.

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 Nottinghamshire County Council's current highway design guidance 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 (or District Council) in writing before any work commences on site.

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 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.

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 not payable on the development hereby approved as the development type proposed is zero rated in this location.

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 paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The detailed surface water drainage scheme to be submitted shall: - require all flows to be attenuated to Q_{bar} for the entire site;- include provision for the entire site to be drained to the surface water drainage system with appropriate run-off coefficients or other factors used to represent the differing run off characteristics of the various parts of the site;- include an exceedance check using microdrainage software to simulate the drainage system for the 100year + 30% climate change event for a range of durations from 15 minutes to 24 hours to assess where the drainage system may flood. If this occurs, provision must be made for the accumulated volumes and flows to be directed to the surface water attenuation areas; - demonstrate that the surface water drainage system is designed in accordance with CIRIA C635 and C753, and the National SUDS Standards;- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year plus climate change return periods;- confirm how on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Date Recommended: 21st August 2018

Report to Planning Committee

Application Number: 2018/0365

Location: Land on the north side of Briarbank Avenue Carlton

Proposal: Erect 14no. apartments

Applicant: Tindall Developments Ltd

Agent: Apex Design

Case Officer: Graham Wraight

1 Site Description

- 1.1 The site is located to the rear of Nos. 1 to 15 Briarbank Avenue and is accessed by a private access located between No.15 Briarbank Avenue and several dwellings that front onto Honeywood Drive. The northern part of the site is heavily vegetated and rises steeply upwards whereas the southern part of the site, on which the proposed development would be located, is relatively flat and is predominantly hard surfaced.
- 1.2 The dwellings located to south and west are bungalows, some of which have accommodation in their roof space, and the dwellings to the east are two storey in height. All of the adjacent dwellings have their rear elevations facing towards the site and there are various established boundary treatments on the site boundary.

2 Relevant Planning History

- 2.1 2004/1608 – Erection of 14 No. 2-bed flats with associated parking and bin storage areas – Approved with conditions, permission has expired.
- 2.2 2008/0333 – Erection of 14 No. 2 bedroom flats (See previous approval 2004/1608) – Refused.
- 2.3 2009/0034 – Proposed erection of 14 no. 2 Bedroom Flats and associated works – Approved with conditions, permission has expired.

3 Proposed Development

- 3.1 The proposed development consists of three blocks of flats, comprising a total of 14 dwellings. The proposed buildings would be two storey and three

storey in height with a maximum height of approximately 10.4 metres and the front elevations would be constructed using brick, render and cladding. All of the flats proposed would be two bedroomed and 16 car parking spaces would be provided, in addition to cycle storage and a bin store.

4 Consultations

- 4.1 Gedling Borough Council Economic Development – a Local Labour Agreement would be required.
- 4.2 Gedling Borough Council Housing Strategy – affordable housing not required due to scale of the development but would encourage the developer to consider its inclusion.
- 4.3 Gedling Borough Council Parks and Street Care – no comments to make.
- 4.4 Gedling Borough Council Scientific Officer – no objection, recommends a condition relating to land contamination.
- 4.5 Nottinghamshire County Council Highways – requests further information relating to bin storage, turning areas for emergency vehicles and the drainage of surface water.
- 4.6 Nottinghamshire County Council Lead Local Flood Authority – object, no information has been provided as to how surface water would be managed.
- 4.7 Nottinghamshire County Council Planning Policy – conditions should be imposed relating to vegetation clearance, protection of retained vegetation, bat and bird boxes and lighting.
- 4.8 Nottingham City Council Education – no education contribution required.
- 4.9 NHS – no healthcare contribution required.
- 4.10 A press notice has been published, a site notice displayed and neighbour notification letters posted. Two objections have been received and these are summarised as follows:
 - Traffic will be a big problem
 - Not enough parking spaces
 - Are the properties for private purchase or housing association tenants?
 - Risk of damage to boundary fences
 - Lack of security and privacy for the occupiers of existing dwellings
 - Smell and noise from bin store area

5 Assessment of Planning Considerations

- 5.1 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’.

- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG)

6 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2018

Sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed places) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10 – Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 12 – Local Services and Healthy Lifestyles – sets out the criteria that new community facilities will need to meet.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 40: Housing Development on Unallocated Sites – sets out the criteria that new housing development should meet, including in relation to design, residential amenity and parking.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61 – Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

Other

Gedling Borough Council's *Parking Provision for Residential Developments* – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

7.0 Planning Considerations

Principle of the development

- 7.1 The site is considered to be sustainably located within an established residential area. The use of the land for residential purposes would be in keeping with the surrounding area, which is predominantly in residential use.
- 7.2 Whilst the site is relatively large in area, only part of it is developable due to the presence of the steep bank to the north. Notwithstanding this, the proposed density of development still meets with the requirements of Local Planning Document Policy LPD 33.
- 7.3 The principle of residential development is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 8 and Local Planning Document Policy LPD 33, subject to a detailed consideration of the following matters.

Impact upon the streetscene

- 7.4 The site sits behind the existing bungalows on Briarbank Avenue and it is within that context that the proposed development would be viewed. The scale of the proposed development would mean that it would be substantially higher than these existing properties and it would be visually dominant and out of character with the surrounding area. It is considered that as a result of

this relationship, the proposed scale, height and massing of the development would be harmful to the character and appearance of the surrounding area and that it would have detrimental impact upon the street scene.

- 7.5 It is noted that the land rises steeply to the north of the site however this area of land is undeveloped and heavily vegetated. As a result, it has a much softer visual appearance than that which the proposed development would have.
- 7.6 For these reasons, the proposal is considered to be contrary to the objectives of the National Planning Policy Framework, Aligned Core Strategy 10 and Local Planning Document Policies 35 and 40.

Impact upon residential amenity

- 7.7 The site shares boundaries with existing residential dwellings on three sides. It is considered that the proposed buildings would be located an adequate distance from the dwellings to the east and west (a minimum of approximately 9 metres to the east although the nearest property to this side is angled away thus increasing the distance along most of the elevation and a minimum of approximately 13 metres to the west) to ensure that there would not be an undue impact from massing or through loss of light/overshadowing. There are no windows proposed in the side elevations of these buildings.
- 7.8 With respect to the properties to the south, an approximate distance of at least 11 metres would be maintained between the windows on the front of the proposed development and the rear garden areas and an approximate distance of at least 27 metres would be maintained between facing windows on the existing and proposed dwellings. It is considered that these distances are adequate to ensure that unacceptable overlooking would not arise between the dwellings. Furthermore, it is considered that these distances are adequate to ensure that there would not be an adverse impact arising from the massing of the proposed building or through loss of light/overshadowing.
- 7.9 It is considered that the proposed flats would provide adequate internal space for future occupiers. Further clarification has been requested from the Agent as to the relationship that the windows on the rear elevation of the development would have with the steep vegetated bank on the northern part of the site. The information provided is not particularly conclusive in this regard however, given that all of the living spaces are positioned to the front of the proposed buildings, it is considered that an adequate level of amenity would be provided for the occupants of the dwellings.
- 7.10 The impact upon residential amenity is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policies LPD 32, 35 and 40

Highways matters

- 7.11 The application proposes that the site would be accessed via an existing hard surfaced access drive. 16 parking spaces would be provided within the car parking area. The Highway Authority have requested further information relating to bin storage, the turning of emergency vehicles and surface water

drainage. Whilst no additional information has been provided, it is not considered that these matters alone could justify a refusal of planning permission and furthermore it is considered likely that they could be addressed through the submission of further information or through the imposition of planning conditions

- 7.12 The Highway Authority has not raised an objection in principle to the development and adequate car parking is proposed to meet with the requirements of the Borough Council's Supplementary Planning Document. It is therefore not considered that the proposal would be likely to be harmful to highway safety or to the surrounding highway network in general.
- 7.13 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework and Local Planning Document Policies LPD 57 and 61.

Other matters

- 7.14 A Local Labour Agreement would be required in order to comply with Policy LPD 48. This could be secured by way of a planning condition.
- 7.15 The Lead Local Flood Authority has objected to the proposal as no details relating to surface water drainage have been provided. However, given the scale of the development and that the developable area of the site is already predominantly hard surfaced, it is considered that this matter could reasonably be addressed by a planning condition.
- 7.16 Matters relating to ecological interests and contamination could be addressed by planning conditions and/or notes to applicants.
- 7.17 The tenure of the proposed flats and whether they would be market or housing association properties is not a material planning consideration. It is likely that the bin store area would need to be repositioned to address the concerns of the Highway Authority, however in any instance it is considered that it would be far enough away from residential properties to prevent an undue impact from smells and noise. Potential damage to property is not a material planning consideration.
- 7.18 It is noted that planning permission was granted in 2009 for development on this site which included development of 3 storey height. However, since this time there have been significant changes in national and local planning policy, including the National Planning Policy Framework and the Local Planning Document, both of which put an emphasis on the importance of securing good design that integrates well within the surrounding area. Furthermore, whilst the previous planning history is a material planning consideration, it does not justify the approval of development which is considered to be harmful to the street scene for the reasons which are set out in this report.

8 Conclusion

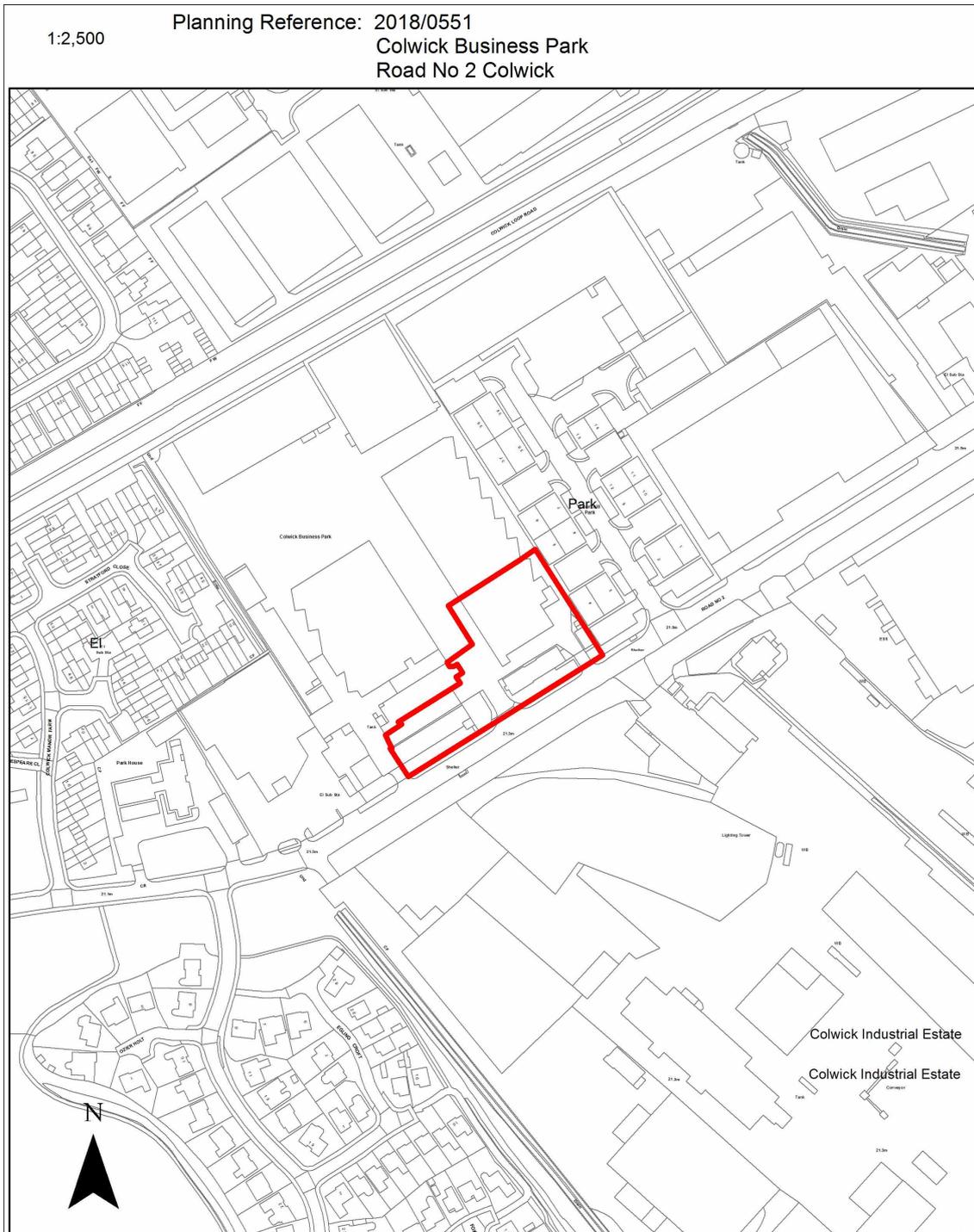
- 8.1 The proposed development would, by reason of its scale, massing and height, fail to integrate within the surrounding area, to the detriment of the character

and appearance of the area and the street scene. The proposal therefore fails to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy 10 and Local Planning Document Policies 35 and 40. It is not considered that the proposal would have an adverse impact upon residential amenity or upon highway safety.

RECOMMENDATION: Refuse planning permission



Planning Report for 2018/0551



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.



Serving People Improving Lives

Date: 16/08/2018

Report to Planning Committee

Application Number: 2018/0551

Location: Colwick Business Park Road No 2 Colwick

Proposal: Demolition of two existing two storey office buildings, partial demolition of existing block of light industrial/ warehouse buildings. Construction of new three storey office building including roof plant screens and associated parking and landscape works.

Applicant: Radford Holdings Ltd

Agent: CBP Architects

Case Officer: David Gray

1.0 Site Description

- 1.1 The application site is located to the north of Private Road No. 2 within the Protected Employment Site of Colwick Industrial Estate, as indicated on the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014). The premises are currently in use as Hillary's Blinds. The application site has an irregular shape with a site area of 5,132 sq m (0.51 Hectares). The frontage of the site, facing on to Private Road No.2, measures approximately 116 metres. The main access to the site is located centrally on the frontage with a secondary access to the north eastern end splitting the site into two distinct areas.
- 1.2 The western part of the site is accommodated by a two-storey B1 office building. To the north of the office building there is macadam surfaced car parking area beyond which is the southern elevation of an adjacent industrial building. The application site currently accommodates 39 existing off street car parking spaces.
- 1.3 The southern part of the eastern side of the site also contains a two-storey B1 office building similar in size to the one on the western side. There is an area of soft landscaping to the south of this building, fronting onto Private Road No.2.
- 1.4 To the north west of the site there are existing single storey and two storey industrial units within the Colwick Business Park. Land to the opposite of the site is also in industrial use.

- 1.5 Topographically the site remains relatively level throughout.
- 1.6 The site is in an area at risk of Flooding within Flood Zone 3 which is also indicated as an 'Area benefitting from flood defences'.

2.0 Relevant Planning History

- 2.1 In July 2015 Full Planning Permission was granted for the demolition of existing two storey office buildings, partial demolition of light industrial / warehouse buildings. Construction of a new 3 storey B1 office building and associated parking and landscape works. Ref: 2014/1180.
- 2.2 In June 2017 a Section 73 application was approved amending the originally approved scheme in relation to external materials and elevations, building height from ground level, external lighting, removal of rainwater goods, car parking layout, and the addition of an external data centre. Ref: 2017/0475

3.0 Proposed Development

- 3.1 Full Planning Permission is sought for the demolition of two existing two storey office buildings, partial demolition of light industrial / warehouse buildings. Construction of a new 3 storey B1 office building and associated parking and landscape works.
- 3.2 The proposed 3 storey office block would be sited to the northeast of the existing main site entrance. The maximum footprint dimensions of the office block would be approximately 56 metres x 33 metres.
- 3.3 The accommodation within the proposed office building would be distributed over three floors as follows:
- Ground Floor: 1,519 sq m
 - First Floor: 1,519 sq m
 - Second Floor: 1,519 sq m
 - Total: 4,557 sq m
- 3.5 The overall height of the main building from ground level would be approximately 16 metres.
- 3.6 The proposed development indicates an increase in off street car parking provision from 39 spaces to 88 spaces.
- 3.7 A Design and Access Statement, Phase 1 Contamination Assessment, Flood Risk Assessment, and Transport Assessment have all been submitted to accompany the application.
- 3.8 The three main materials proposed for the development would be render, horizontal metal cladding, and glass.
- 3.9 A landscape plan has been submitted showing details of car parking, storage and EV Charging points.

4.0 Consultations

4.1 Nottinghamshire County Council (Highway Authority) –

The proposed development is located on Private Road No. 2 which is not adopted or maintained at public expense and any works that are necessary particularly to provide a one way access arrangement to the North West of the frontage into the site will need to be undertaken in agreement with the owners of the road.

Car Parking for the development is in excess of current maximum parking standards for this size of B1 usage, however, due to the majority of the office comprising of call-centre staff, who utilise less space than normal office layouts, it is considered that the 88 space provision for car parking is acceptable.

Regarding traffic movements, it is anticipated that the development will result in a maximum peak hour increase of traffic which exceeds the Transport Assessment Guidance, however, routes to the East may be alleviated through a new additional route through, as a result of a recently committed development. Overall, these traffic movements may be managed by encouraging more sustainable forms of transport. Public transport, cycling and pedestrian facilities are in close proximity to the proposal and should be encouraged further, by way of a Travel Plan, which should include a car parking Management Plan to ensure that on-site demand is managed to an appropriate level.

Should planning permission be forthcoming I would suggest attaching the recommended planning conditions in relation to the submission of a Travel Plan and the provision of the Cycle Parking Layout before occupation.

4.2 Rights of Way Officer – The application may impact on Carlton Footpath No22, which runs alongside the southern boundary of the site. The Rights of Way Office would require that the availability of the footpath is not affected or obstructed in any way by the proposed development.

4.3 Environment Agency (EA) –

Do not object to the proposal as an Acceptable Flood Risk Assessment (FRA) has been submitted. The submitted FRA provides a suitable basis for assessment to be made of the flood risks arising from the proposed development.

4.4 Public Protection (Scientific Officer) – Public Protection are satisfied with the contents and findings included within the Phase 1 Desk Study Report (Geodyne Ltd. Ref. D34084).

Verification of the gas protection measures confirmed by email on 16th May 2017 should be sought by condition.

Consideration should be given to the inclusion of EV (Electrical Vehicle Points).

- 4.5 Health and Safety Executive – Using the HSE’s Planning Advice for Developments near Hazardous Installations (PADHI+) standing advice software tool for use by Planning Authorities: The HSE ‘DDA - Does Not Advise Against’ the development.
- 4.6 Lead Local Flood Authority – Provided the development is provided in accordance with the Drainage Plans, no objections.
- 4.7 Economic Development – The size of the development meets the threshold for an Employment and Skills Strategy to be developed to be implemented during the term of the build.
- 4.8 Neighbouring Properties were notified and a Site Notice / Press Notice posted and no letters of representation were received as a result.
- 5.0 Assessment of Application and Planning Considerations
- 5.1 The principle of the proposal has been previously approved and supported under planning approval 2014/1180 and Section 73 application 2017/0475 which have now lapsed.
- 5.2 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 other material considerations indicate otherwise’.
- 5.3 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (July 2018) and additional information provided in the National Planning Practise Guidance (NPPG).
- 5.4 The following paragraphs of the NPPF are of relevance to the principle of this application: -
- Part 4 (Decision-making);
 - Part 6 (Building a strong, competitive economy);
 - Part 7 (Ensuring the vitality of town centres);
 - Part 12 (Achieving well-designed places);
 - Part 14 (Meeting the challenge of climate change, flooding and coastal change).
- 5.5 On 10th September 2014 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) which now forms part of the development plan. It is considered that the following GBACS policies are relevant:-
- Policy 1 (Climate Change)
 - Policy 4 (Employment Provision and Economic Development);
 - Policy 10 (Design and Enhancing Local Identity).

5.6 In July 2018 Gedling Borough Council adopted the Local Planning Document. The following LPD policies are relevant to this application:

- LPD 3 – Managing Flood Risk
- LPD 4 – Surface Water Management
- LPD 5 – Managing Water Quality
- LPD 7 – Contaminated Land
- LPD 10 – Pollution
- LPD 11 – Air Quality
- LPD 32 – Amenity
- LPD 35 – Safe, Accessible and Inclusive Development
- LPD 44 - Retention of Employment and Employment Uses
- LPD 48 – Local Labour Agreements

5.7 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 application are: -

- The principle of the redevelopment of the site;
- Highway implications including parking provision;
- Design;
- Impact on the amenities of neighbouring residents;
- Flood Risk and Drainage;
- Contamination and Health and Safety;
- Meeting the challenge of climate change;
- Other considerations.

5.8 Also for consideration are the details submitted in relation to: -

- Materials;
- Landscaping;
- Contamination;
- Flood Risk Mitigation; and
- Surface water run-off.

6.0 The principle of the redevelopment of the site

6.1 At the heart of the NPPF is a 'presumption in favour of sustainable development' which is described as a golden thread running through decision taking. Three dimensions to sustainable development are identified which are economic, social and environmental.

6.2 Part 6 of the NPPF sets out that the Government is committed to securing economic growth and that the planning system should support growth and not act as an impediment.

6.3 LPD Policy 44 is relevant to this application and states inter-alia: -

'Planning permission will be granted for the expansion, conversion or redevelopment of land and premises for employment uses on allocated employment sites' provided they are within B1 – B8 uses, would not impact on the amenity of nearby residents or occupants and would not be detrimental to highway safety.

- 6.4 The proposed site falls within the Colwick Industrial Estate as defined on the proposals map therefore LPD44 is relevant to this application and there are no limitations in place in respect to the redevelopment of the site for B1 Office use which would be supported in the protected employment area of Colwick provided it does not impact on highway safety, neighbouring amenity, or heritage assets.
- 6.5 I note that the application site is already in use for light industrial and office space and the proposal would be for the redevelopment of brownfield land to provide a new office complex for an existing business. Given the site is allocated for employment uses on the Proposals Map and the proposal would result in the expansion of an existing business premises the principle of the office redevelopment is acceptable subject to the detailed consideration of the following matters.

7.0 Highway Implications and Parking Provision

- 7.1 I note the comments from the Highway Authority that do not raise any objections to the proposed development in planning terms. The Highway Authority considers that the traffic movements may be managed by encouraging more sustainable forms of transport. It is also noted that public transport, cycling and pedestrian facilities are in close proximity to the application site. It is my opinion that the car movements can be managed adequately by implementing a Travel Plan including a Car Parking Management Plan. Planning conditions relating to the Travel Plan in order to promote sustainable travel would be attached to any decision.
- 7.2 I concur with the comments from the Highway Authority that a satisfactory development can be achieved by implementing an efficient transport plan and car parking plan.
- 7.3 I note that the submitted Landscape Plan and precise Cycle Store details and I are satisfied that this provision meets the requirement of LPD35 promoting sustainable travel.

8.0 Design

- 8.1 Policy 10 of the Aligned Core Strategy requires all new development to be designed to make a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce valued local characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.
- 8.2 Part 12 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; respond to local character and history; and is visually attractive as a result of good architecture and appropriate landscaping.
- 8.3 I also note that the location of the development is within the existing Colwick Industrial Estate / Business Park and the surrounding area is defined by light

industrial and storage and distribution premises varying in height from 1 to 2 stories.

- 8.6 It is my opinion that the proposed development is of a scale and design that would not overly dominate the area given the industrial setting of the site, the overall height of approximately 16.0 metres, and the distance of over 100 metres to the rear boundary of the nearest neighbouring resident.
- 8.7 It is my opinion that the proposal sits well within the context of the existing business park and the design of the premises would create a gateway to an existing business park that would improve the character of the area. I consider that the development, with the materials proposed, represents a high standard of contemporary design that has taken into account the local surroundings. I also consider the mix of materials incorporating white insulated render and curtain walling would have a visual appearance that could have a positive influence on the surrounding area.
- 8.8 I am therefore of the opinion the proposed design and layout of the proposal does satisfy the guidelines set out in Policy 10 of the ACS and the guidelines contained within the NPPF. It is my view that the new development would sit well within its context and the proposal has taken this opportunity to improve the character and quality of the area and the way it functions.
- 8.9 I note that the requirements of planning permission 2014/1180, conditions 12 and 13, required the submission of soft and hard landscaping works, to include hard surfacing materials, vehicle and pedestrian access and circulation details, bin store details, column lighting and bollard style luminaries to parking areas, planting plans, and a schedule of maintenance.
- 8.10 I have carefully considered the scheme of landscaping works submitted with the application consisting of hard and soft landscaping, bicycle store, bin store and clearly defined pedestrian routes separated from vehicular routes. I am satisfied that landscaping scheme has been designed to ensure that there is a safe circulation for pedestrians and vehicles with clearly defined pedestrian and vehicle areas. I am also satisfied that the scheme accounts for all the requirements of the pre commencement conditions 12 and 13 attached to planning permission 2014/1180 as approved under 2017/0475.
- 8.11 It is my opinion the proposed design and layout of the proposal does satisfy the guidelines set out in Policy 10 of the ACS and the guidelines contained within the NPPF. It is my view that that the new development would sit well within its context and the proposal has taken this opportunity to improve the character and quality of the area and the way it functions.

9.0 Impact on the amenities of neighbouring residents

- 9.1 I note the previous representation received in respect of planning application 2014/1180 with regards to the potential overlooking impact from the side elevation windows of the proposed premises. It is my opinion given the substantial distance of over 100 metres to the nearest private residence; the proposed development would not result in any undue overlooking impacts on neighbouring residential amenity.

9.2 I note that the immediate adjoining premises are all light industrial buildings with few openings; I am therefore satisfied that the proposal would have no undue overbearing or overshadowing impact on the immediate vicinity. Given the scale, design and layout of the proposed development and the distances to neighbouring dwellings I am satisfied that the proposed development would have no undue impact on the amenity of neighbouring residents. No representations from neighbouring residents have been received in respect of this application.

9.3 Given that it is considered the proposal would have no undue impact on the amenity of nearby neighbouring residents the proposed development would accord with the requirements of policy LPD32 which relate to protecting the amenity of adjoining development.

10.0 Flood Risk and Drainage

10.1 I note that the site is located in an area at risk of flooding and that the Environment Agency has removed their objections to the submitted Flood Risk Assessment (FRA) and Flood Mitigation measures following receipt of the updated FRA in August.

10.2 I also note that the Lead Local Flood Authority have indicated that the surface water drainage scheme is acceptable.

10.3 I am therefore satisfied that the development is in accordance with GBACS Policy 1, LPD3 and LPD4.

11.0 Contamination and Health and Safety

11.1 I note that the Health and Safety Executive do not advise against the development and as such, I am satisfied that there would be no Health and Safety implications as a result of the development being within the Outer Zone (OZ) of the HSE consultation zone around Total Oil Refinery Ltd and Colwick Industrial Estate.

11.2 I note the comments from Public Protection and as such I am satisfied that the proposed development would not result in any adverse contamination risks and appropriate mitigation has been demonstrated. I do however acknowledge the requirement for a Verification report (that demonstrates the effectiveness of the remediation carried out) particularly in relation to gas protection measures should still be submitted to and approved in writing prior to occupation of the development.

12.0 Meeting the challenge of climate change

12.1 Part 14 of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

12.2 I note that, following correspondence with the Scientific Officer it was recommended that that scheme should incorporate provision for an EV (electrical vehicle) charging point. I also note that the proposed landscape scheme has included the provision of an EV point. I am satisfied that the proposed development has taken the opportunity to address the need to meeting climate change by providing sustainable transport options for employees in line with the requirements of Paragraph 93 of the NPPF.

13.0 Other Considerations

13.1 I note the comments from the Rights of Way Officer with regards to Carlton Footpath no.22 (aka No 2), which runs alongside the south eastern boundary and is the access road to the site. The Right of Way is the public footpath that runs in front of the application site. Should planning permission be forthcoming I would suggest attaching an informative to any approval to require that the availability of the footpath(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders.

13.2 I note the comments from Economic Development and that the proposal would be above the threshold for an Employment and Skills Strategy to be developed and Implemented in accordance with the CITB and the National Skills Academy for Construction Client-Based Approach; Local Client Guidance for England. I would attach a condition to any approval requiring an Employment and Skills Plan to be agreed prior to the development first commencing.

14.0 Conclusion

14.1 The development has been considered in accordance with the National Planning Policy Framework, the Planning Practise Guidance, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Local Planning Document (July 2018) where appropriate.

14.2 In my opinion, the proposed development accords with the relevant policies of these frameworks and plans, and that planning permission should be granted.

15.0 Recommendation: GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby approved shall be constructed in accordance with the plans and documents received on 5th June 2018 drawing no's: Drainage Strategy (E143_5000_p02); Drainage Layout Sheet 1 of 2 (E143_5001_P03); Drainage Layout Sheet 2 of 2 (E143_5002_p03); External Levels Sheet 1 of 2 (E143_5003_P02); External Levels Sheet 2 of 2 (E143_5004_P02); Manhole Schedules (E143_5006_P01); Typical Details (E143_5005_P01); Proposed

Section AA (16156-A-4003); Proposed NE and NW Planning Elevations (16156-A-4011); Foundation and Ground Floor Slab Sections (E143-CHG-Z1-00-DR-S-0003); Proposed SE and SW Planning Elevations (16156-A-4010_p03); Bin Store Details (16156-A-7011); Design and Access Statement June 2018; Contamination Assessment; Proposed Hard Landscaping Details (16156-A-7008 - P02); External Lighting Layout and EV Charging Point (C17010-E-010); Proposed Site Plan (16156-A-2001 - P07); Proposed Roof Plan (16156-A-3004_P04); Demolition Plan (16156-A-1000); Proposed Second Floor Plan (16156-A-3003); Proposed First Floor Plan (16156-A-3002); Proposed Ground Floor Plan (16156-A-3001); Existing Site Plan (16156-A-1001_p03); Transport Assessment March 2015; and External Material Finishes.

- 3 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Rev B 17/08/18 Encon Associates Limited and the following mitigation measures detailed within the FRA: 1) Finished floor levels are set no lower than 21.78m above Ordnance Datum (AOD). 2) Flood resilience measures are implemented to at least 22.31m AOD as detailed in the FRA.
- 4 The development shall be carried out strictly in accordance with the Contaminated Land Assessment (Geodyne ref. 2017.03.28-D34084 Geodyne - Contamination Assessment).
- 5 Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the gas membrane remediation to be carried out, as confirmed by email dated 22nd June 2018) must be submitted and approved in writing by the Local Planning Authority.
- 6 No part of the development hereby permitted shall be more than 75% occupied before or until a Travel Plan including a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. 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 local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.
- 7 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted and the creation of new jobs in the local area. The Local Employment Agreement shall be implemented strictly in accordance with the approved details, unless otherwise prior 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.
- 3 To reduce the risk of flooding to the proposed development and future occupants and to reduce the possible consequences of an imminent flood event in line with the requirements of Part 14 of the NPPF, LPD3, and LPD4.
- 4 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 LPD 5 and LPD7.
- 5 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 LPD5 and LPD7.
- 6 To promote sustainable travel
- 7 To seek to ensure that the development provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014) and LPD48.

Reasons for Decision

In the opinion of the Borough Council the proposed development would result in no significant impact on neighbouring premises or the area in general. The proposed development would represent sustainable development as identified in the NPPF. The proposal is acceptable from a highway safety viewpoint, raises no flood risk issues, health and safety issues or contamination issues. The works therefore accord with Policies E3 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved policies 2008) and Policies 1 (Climate Change), 4 (Employment Provision and Economic Development) and 10 (Design and Enhancing Local Identity) of the Gedling Borough Aligned Core Strategy (2014).

Notes to Applicant

The Environment Agency recommend that the occupants of the development sign up to receive Environment Agency flood warnings by phone, email or text message which is a free service <https://www.gov.uk/sign-up-for-flood-warnings>.

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.

I bring your attention to Carlton Footpath 22 which runs alongside the south eastern boundary and is the access road to the site. 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. The Rights of Way Office should be consulted in any re-surfacing or proposed structure issues.

Developers are also made aware of potential path users in the area who should not be impeded or endangered in any way.

For any new connection(s), into the public sewer or the reuse of an existing sewer connection(s), you will need to apply under Section 106 Water Industry Act 1991 as amended by the Water Act 2003. Severn Trent New Connection Team currently processes Section 106 applications and can be contacted on 0800 707 6600 for an application pack and guidance notes (or visit www.stwater.co.uk). Applications to make such connections should be made separately from any application for adoption of the related sewers under Section 104 Water Industry Act 1991 as amended by the Water Act 2003.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

Advice regarding travel plans can be obtained from the Transport Strategy Section at Trent Bridge House, Fox Road, West Bridgford, Nottingham, NG2 6BJ, contact transport.strategy@nottsc.gov.uk

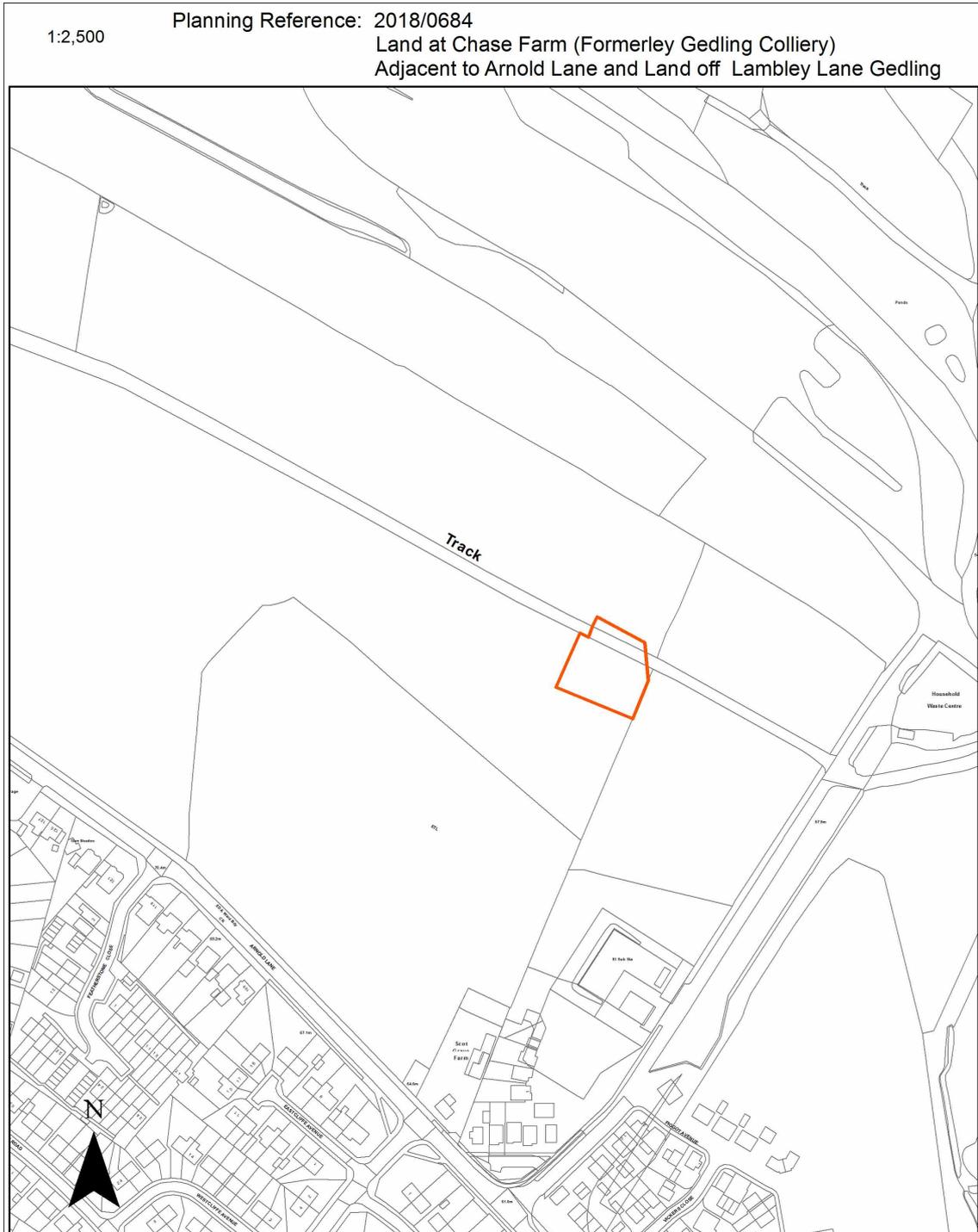
The development makes it necessary to alter the vehicular access arrangement over the footway of the private road no. 2. These works shall be constructed to the satisfaction of the owners of the road. You should therefore contact the owners as this is not highway maintained at public expense.

Date Recommended: 21st August 2018

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Gedling
Borough Council
Planning Report for 2018/0684



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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Date: 16/08/2018

Report to Planning Committee

Application Number:	2018/0684
Location:	Land at Chase Farm (Formerly Gedling Colliery)
Proposal:	30 Unit Re-Plan (Ilke Types)
Applicant:	Keepmoat Homes Ltd
Agent:	Armstrong Burton Architects
Case Officer:	David Gray

1.0 Site Description

1.1 The application site relates to area of land within the large scale major residential development fronting Arnold Lane which falls within the previously approved 'Chase Farm' development (Planning Reference 2015/1376) currently under construction.

2.0 Relevant Planning History

- 2.1 On the 3rd March 2017 Conditional Permission was granted for the "Demolition of existing structures and phased development of 1,050 dwellings, local centre with retail units and health centre, and new primary school. Full planning permission for phase 1 to comprise the erection of 506 no. dwellings (2, 3, 4 and 5 bedroom houses and flats), vehicular access from Arnold Lane, internal roads and all associated infrastructure. Outline planning permission for subsequent phases, all matters reserved except for indicative access to the sites from phase 1, and future accesses from Gedling Access Road." *app ref: 2015/1376.*
- 2.2 In September 2017 a Non Material Amendment was granted for Plots 218 – 228 substituting brickwork and plots 38 – 47 window alterations. Ref: 2017/0927NMA
- 2.3 In September 2017 a Non Material Amendment was granted for changes to external elevations of plots 112, 114 and 156. Ref: 2017/0928NMA.
- 2.4 In February 2018 resolution to grant Full Planning Permission was given by Planning Committee to replace 01, 02, 03, 169, 170 and 171 with alternative house types. Ref: 2017/1018 subject to a deed of variation on the s106.

- 2.5 In February 2018 resolution to grant Full Planning Permission was given by Planning Committee for the repositioning of plots 5, 6 & 7(rotation through 90 degrees). Ref: 2017/1076 subject to a deed of variation on the s106.
- 2.6 In February 2018 resolution to grant Full Planning Permission was given by Planning Committee for the re-elevation of 110 plots. Ref: 2017/1076 subject to a deed of variation on the s106.
- 2.7 In May 2018 resolution to grant Full Planning Permission was given by Planning Committee for the re-elevation of 71 no. plots 2018/0392 subject to a deed of variation on the s106.

3.0 Proposed Development

- 3.1 Planning permission is sought to substitute dwellings approved under planning permission 2015/1376 in respect of 30 plots (329 – 358) with amended house types and layout. 4 new distinct house types would be utilised and the properties would be set over 2 or 2.5 stories.
- 3.2 The proposed house types would be pre-fabricated and constructed off-site to improve housing delivery rates.

4.0 Consultations

- 4.1 A Site Notice was displayed near to the application site – No objections or representations were received as a result.

5.0 Planning Considerations

- 5.1 The principle of the development has already been established through planning application 2015/1376. The Council granted full planning permission for the erection of 506 dwellings in phrase 1 of the Chase Farm development. This new application relates to 30 plots of the 506 dwellings approved under the previous application. This new application effectively amends the house type and layout of those 30 plots from that previously granted.
- 5.2 The main consideration therefore in the determination of this application is the impact which the amendments would have on the approved layout and new street scenes.
- 5.3 The design of the dwellings would be amended with some including box dormer windows which are a common feature of the previously approved house types. I consider that the design of the street scene would not be compromised to accommodate these house types, the location of the new dwellings would be on a less prominent position within the development and would not impact significantly on key views and vistas within the development. I therefore consider the development would have a less than substantial impact on the overall design of the scheme and in this instance; on balance, I consider the design is acceptable and would not warrant a refusal of this planning application on this small section of the wider site.

5.4 I also consider this proposal would result in an acceptable relationship with the adjacent plots in terms of overbearing, overlooking and overshadowing impacts.

5.5 For the reasons set out above, the proposed development accords with the aims set out in the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy and Policy 32 of the Local Planning Document.

6.0 Planning Obligations

6.1 The application site falls within the wider Chase Farm development which is subject to a Section 106 agreement. The triggers for the obligations are dependent on completion of a specified number of dwellings on the approved Chase Farm development. The proposed development would not alter the number of dwellings; however, the original Section 106 agreement would need to be amended to account for the minor changes highlighted above as the grant of this application would result in a new planning permission being issued for 30 dwellings.

7.0 Recommendation:

7.1 **Grant Full Planning Permission: Subject to the applicant entering into a deed of variation amending the original Section 106 Agreement to planning approval: 2015/1376 with the Borough Council as Local Planning Authority and with the County Council as Local Highway and Education Authority for the provision of, or financial contributions towards affordable housing, open space, healthcare facilities, highways, educational, air quality, a local labour agreement and library facilities; and subject to the conditions listed for the reasons set out in the report.**

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the details within the Application Form and Drawings: House Type D101D (ILKE) (175057D - P200); House Type D104D (ILKE) (175057D - P201); House Type D105C (ILKE) (17507D - P202); House Type D106C (ILKE) (17057D - P203); Street Scene (15057D - P300); Design and Access Statement; Proposed Site Plan (17057D - P101); Materials Plan (17057D - P102); Boundary Treatment Plan (17057D - P103); and The Location Plan (P17057D - P100).

Reasons

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

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring residential properties and amenities and would not have any impacts of Highways Safety. The proposed development therefore accords with Policy 32 of the Local Planning Document, Policy 10 of the Aligned Core Strategy, and the aims set out in the National Planning Policy Framework.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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

Nottinghamshire County Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). 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, and /or 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 after Planning Permission is granted. Correspondence with Highway Authority should be addressed to: hdc.south@nottsc.gov.uk

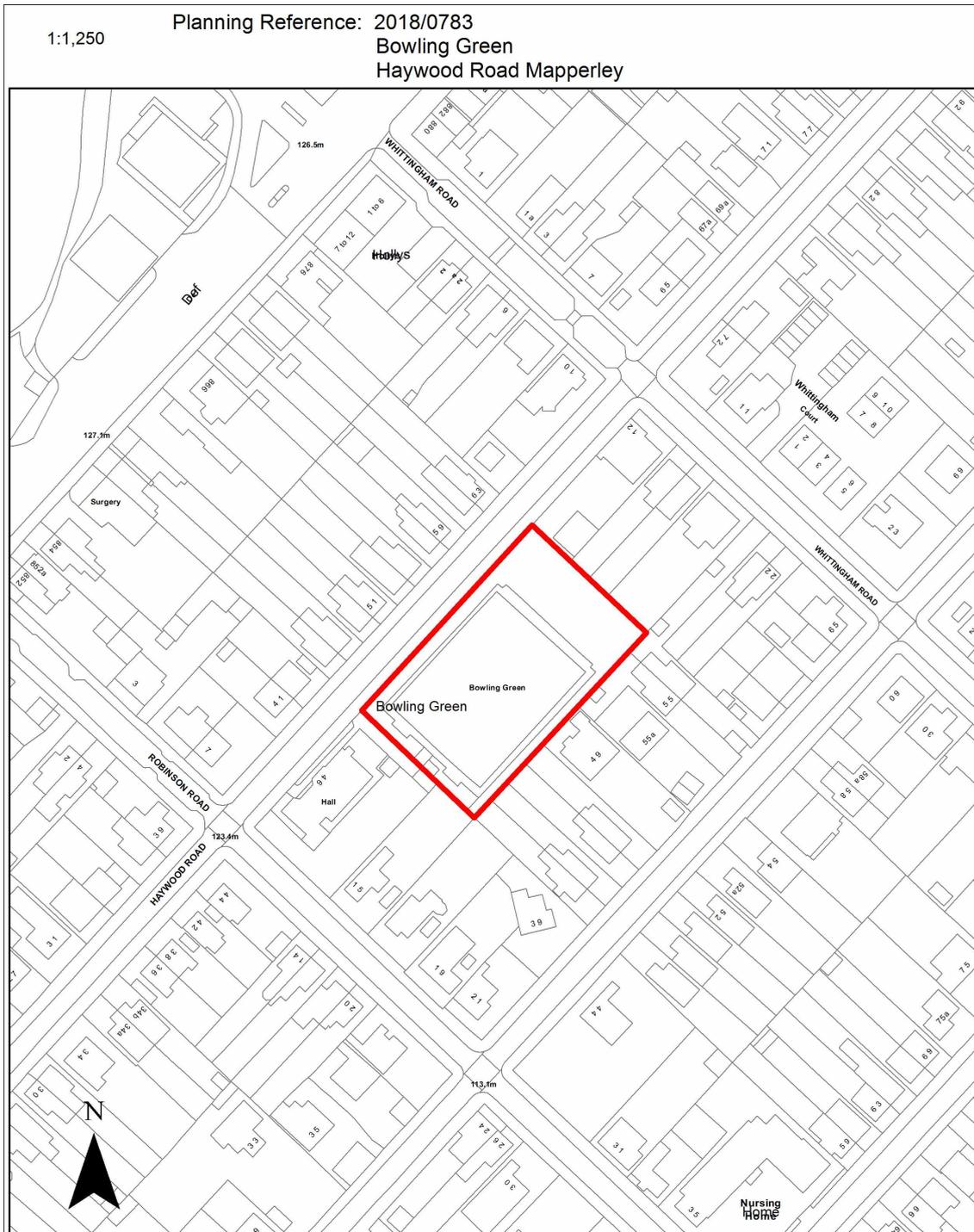
Details of the latest proposed highway will be subject to a Technical Appraisal and should be designed in accordance with the Nottinghamshire County Councils Highway Design Guide which can be found at; www.nottinghamshire.gov.uk/transport/roads/highway-design-guide

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 be provided in accordance with Highway Development Control's requirements for Nottinghamshire County Council as highway authority. The guidance can be found at; <http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

Date Recommended: 17th August 2018



Planning Report for 2018/0783



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.



Serving People Improving Lives

Date: 16/08/2018

Report to Planning Committee

Application Number:	2018/0783
Location:	Bowling Green Haywood Road Mapperley
Proposal:	Change of use from a bowling green to a publicly accessible park and erect 2.5 metre high fencing (including a 0.6 metre high metal trellis) above the existing retaining wall to the south-east boundary
Applicant:	Gedling Borough Council
Case Officer:	Alison Jackson

1.0 Background

- 1.1 This application is being referred to the Planning Committee because the land is owned by Gedling Borough Council and the application has been submitted by the Council.

2.0 Site Description

- 2.1. The application site relates to a grassed area of land including hard surfaced pathways, situated off Haywood Road, Mapperley. The land is currently used as a bowling green.
- 2.2. There are railings to the front boundary of the site. To the rear boundary of the site is a retaining wall, railings and part landscaping. The side boundaries of the site consist of hedging to the north east boundary and railings to the south west boundary.
- 2.3. The site is predominately surrounded by residential properties with the exception of a community centre building adjacent to the south west boundary of the site.

3.0 Relevant Planning History

- 3.1. Planning permission was granted in February 1953 for the change of use of the land from agricultural land to public open space.

4.0 Proposed Development

- 4.1. Permission is sought for the change of use of the existing recreational area currently used as a bowling green to a publically accessible park.
- 4.2. Permission is also sought for the erection of a 2.5 metre high fence (including a 0.6 metre high metal trellis) which would sit above the level of the existing 2 metre high retaining wall to the south east boundary of the site.
- 4.3. The submitted plans show the proposed erection of play equipment on the site. These works are permitted development and therefore do not form part of this planning application.
- 4.4. Landscaping works are also proposed to be undertaken at the site.

5.0 Consultations

5.1 Neighbour Consultation

The occupiers of adjoining residential properties have been consulted by letter and two site notices have been posted – the consultation period for the application expires on the 30th August 2018. Any comments received in respect to the application will therefore be reported verbally at the Committee.

6.0 Assessment of Planning Considerations

- 6.1. 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 other material considerations indicate otherwise'.
- 6.2. The relevant national planning policy guidance in respect of this application is set out in the National Planning Policy Framework (July 2018). In particular the following chapters are relevant in considering this application:
 - Part 8 – Promoting Healthy and Safe Communities.
 - Part 11 – Making effective Use of Land.
 - Part 12 – Achieving Well Designed Places.
- 6.3. Gedling Borough Council Aligned Core Strategy (GBCACS) (September 2014) is part of the development plan for the area. The following policies are relevant:
 - Policy 10 – Design and Enhancing Local Identity
 - Policy 12 – Local services and Healthy Lifestyles
- 6.4. Local Planning Document (Adopted July 2018) is part of the development plan for the area. The following policies are relevant:

- LPD20 – Protection of Open Space
- LPD32 – Amenity

7.0 Appropriateness of the Use

7.1. The land is designated as protected open space under the Local Planning Document (Adopted July 2018) and in accordance with policy LPD20 (Protection of Open Space), open space should be retained. In this respect I am satisfied that the proposed use of the site for general recreational use, rather than the restricted use of the site for bowling purposes, would in fact benefit the wider community.

8.0 Visual Amenity

8.1. In respect to the change of use of the land from a bowling green to a public park, I consider that the use of the land would not be significantly different to the use of the land as a bowling green and in my opinion, would result in no significant impact on the visual amenity of the area in general.

8.2. It is noted that the submitted plans show the erection of play equipment on the site. The erection of the play equipment is permitted under permitted development rights. These works therefore do not require planning permission and are not being assessed as part of this planning application.

8.3. In respect to the proposed fencing and trellising to be erected to the south east boundary of the site above the existing retaining wall to the rear of the properties on Sandford Road, I consider that the design of the fencing and trellising is visually acceptable when viewed from both neighbouring properties and from the recreational area and would therefore not be detrimental to neighbouring properties or the character of the area.

8.4. I also note that landscaping is proposed to the site which in my opinion will not only aid with the visual appearance of the site in general but will also add to the softening of the appearance of the proposed fencing. Whilst the landscaping will be planted on the recreation ground, views of the landscaping would be seen through the open elements of the fencing which I consider will soften the appearance of the fencing when viewed from the properties adjoining the rear of the site.

9.0 Impact on neighbouring residential amenity

9.1. In respect to the proposed change of use of the land, again I consider that the use of the land as a publically accessible park as opposed to a bowling green would not be significantly different and I therefore consider that there would be no greater impact on the amenity of neighbouring properties or the area in general.

- 9.2. It is appreciated that the recreational area will serve a wider audience than its current use as a bowling green, however given the limited size of the site, I do not consider that there will be a significant increase of noise and activity on neighbouring properties or the area in general.
- 9.3. Whilst, as stated above, the submitted plans show the erection of play equipment at the site, these works do not require planning permission and therefore are not being assessed as part of this application in terms of any potential impact on neighbouring properties.
- 9.4. In respect to the proposed fencing and trellising to be erected, I consider, given the height of the fencing together with the fact that the fencing would consist of 1.9 metre high timber fencing with trellising above, this element being more open in nature, there would be no undue overbearing impact onto neighbouring properties.
- 9.5. I also consider, given the siting of the fencing and the orientation with neighbouring properties to the rear of the site, these being located to the south of the site, there would be no undue overshadowing impact onto neighbouring properties.
- 9.6. As the rear of the site, where the proposed fencing would be erected adjoins the rear boundaries of the properties on Sandford Road and these properties are set at a lower level than the application site, the proposed fencing in my opinion will prevent any undue overlooking impact from users of the recreation ground onto these neighbouring properties.

10.0 Conclusion

- 10.1. In conclusion, the development is considered acceptable for the following reasons:
- The protected open space is retained and its use for general recreational purposes will benefit the wider community.
 - The proposed use of the site for general recreational purposes will result in no undue impact on neighbouring properties or the area in general.
 - The proposed erection of fencing and trellising is visually acceptable and results in no undue impact on neighbouring properties in terms of any overbearing or overshadowing impacts.
- 10.2. For the reasons set out above, the proposed development accords with Part 8, 11 and 12 of the NPPF and Policies 10 and 12 of the Aligned Core Strategy. The development also accords with policies LPD 20 and 32 of the Local Planning Document (Adopted 2018). It is therefore recommended that planning permission is granted subject to conditions.

11.0 Recommendation: 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 shall be undertaken in accordance with the details as set out within the application forms received on the 1st August 2018, the location plan received on the 1st August 2018, the layout plan received on the 1st August 2018, drawing number PG88 B-O1d and the plans received on the 1st August 2018 and the 21st August 2018 showing the proposed fencing.
3. Before the use of the site is first brought into use full details of the proposed soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape plans and particulars shall include, details of size, species and position of the trees to be planted. 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 Local Planning Authority. If any planting material becomes diseased or dies within five years of the completion of the development, it shall be replaced in the next planting season by the applicants or their successors in title.

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 the appearance of the site is visually acceptable, in accordance with the aims of policy LPD32 of the Local Planning Document (Adopted July 2018).

Reasons for Decision

The proposed use of the site together with the proposed fencing results in no undue impact on neighbouring properties or the area in general. The proposal therefore accords with the aims of the National Planning Policy Framework 2018, policies 10 and 12 of the Aligned Core Strategy 2018 and policies LPD20 and LPD32 of the Local Planning Document (Adopted 2018).

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018).

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.

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Report to Planning Committee

Application Number: 2017/1197 – Appeal Ref: APP/N3020/D/18/320025

Location: 284 Longdale Lane, Ravenshead, NG15 9AH

Proposal: The development proposed is a detached garden store

Case Officer: David Gray

Planning permission was refused by the Borough Council on the 6th February 2018 on the following grounds:

1. In the opinion of the Borough Council, the proposed development would constitute inappropriate development in the Green Belt by virtue of not serving the five purposes of land within the Green Belt. Therefore, in the absence of any very special circumstances that outweigh this identified harm the proposed development would, by definition, be harmful to the Green Belt contrary to the guidance contained within the National Planning Policy Framework (2012). In the opinion of the Borough Council the proposed development would not preserve the openness of the Green Belt at this location. The proposed development would conflict with saved policy ENV1 of the Adopted Local Plan ((certain policies Saved 2014)) and Policy 3 of the Adopted Core Strategy 2014, Policy LPD12 of the Local Planning Document and the overall aims and objectives of the National Planning Policy Framework.

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

This appeal has been **dismissed**.

The Inspector concluded that the proposal would be inappropriate development in the Green Belt. Paragraph 143 of the Framework states inappropriate development is by definition harmful. It would have a limited impact on openness. Paragraph 144 of the Framework, though, establishes that substantial weight should be given to any harm to the Green Belt. Other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist. Accordingly, I conclude that the appeal should be dismissed.

Recommendation: To note the information.

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Report to Planning Committee

Application Number: 2017/1492 – Appeal Ref: APP/N3020/W/18/3200064

Location: 3A Arno Vale Road, Woodthorpe, NG5 4JH

Proposal: The development proposed is a detached 2 bedroom bungalow.

Case Officer: Reddy Nallamilli

Planning permission was refused by the Borough Council on the 8th February 2018 on the following grounds:

1. In the opinion of the Borough Council the development, by reason of its size, scale, bulk, height, general appearance and location would result in an incongruous appearance that would cause harm to the visual amenity the street scene and the surrounding character in general. The proposal would therefore fail to meet with the objectives of the National Planning Policy Framework, Policy 10 of the Gedling Aligned Core Strategy and Saved Policy ENV1 and H7 of the Gedling Borough Replacement Local Plan and Local Planning Document LPD34.

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

This appeal has been **dismissed**. The Inspector concluded that the proposal would have an unacceptable effect on the character and appearance of the area. It would not therefore, comply with Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) which states that development should be designed to reinforce valued local characteristics, and Policies LPD 34 and 35, where they concern character and appearance. It would not comply with the Framework where it concerns achieving well designed places.

Recommendation: To note the information.

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Report to Planning Committee

Application Number: 2017/0725 – Appeal Ref: APP/N3020/D/18/3200213

Location: 45 Longridge Road, Woodthorpe, Nottingham NG5 4LA

Proposal: The development proposed is a two storey front extension and retention of alterations to garage.

Case Officer: David Gray

Planning permission was refused by the Borough Council on the 7th March 2018 on the following grounds:

1. The proposed front extension by reason of its prominent siting, height, size and general appearance would be out of keeping with the design and character of the existing property and surrounding dwellings and would dominate the street scene to the detriment of the visual amenities of the locality. For these reasons, the proposal would conflict with saved policies ENV1 and H10 of the Adopted Local Plan (2005) and Policy 10 of the Adopted Core Strategy 2014 and the overall aims and objectives of the National Planning Policy Framework.

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

This appeal has been **allowed** insofar as it relates to the alterations to the garage but **dismissed** insofar as it relates to the proposed two storey front porch extension.

The Inspector concluded that the proposed two storey front porch extension would have an unacceptable effect on the character and appearance of the building and the area. As such, it would not comply with Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) and Policy LPD43 of the LPD, which state that development should be designed to reinforce valued local characteristics and that planning permission will be granted for extensions provided the appearance of a proposal is in keeping with surrounding character, in terms of height, built form and general design. It would also not comply with the Framework where it concerns achieving well designed places.

Recommendation: To note the information.

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Report to Planning Committee

Planning Enforcement Ref: 0033/2016 – Appeal Ref: APP/N3020/W/17/3187895
Location: Seven Acres 15 Mansfield Road, Papplewick.

Breach: Without planning permission, the material change of use of the Land from a residential use to a mixed use of residential and the keeping or storage of caravans and a material change of use of Land from agriculture to a mixed use of agriculture and the keeping or storage of caravans.

Case Officer: Christine James

Reasons given for issuing the enforcement notice;

It appears to the Council that the above breach of planning control concerning the material change of use of the Land has occurred within the last ten years.

The lawful use of part of the Land is residential garden and the lawful use of the rest of the Land is agricultural. All the Land is within the Nottingham Green Belt. 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. In this case, the unauthorised use of storing or keeping caravans on this Land is detrimental to the openness of the Green Belt and no special circumstances have been given as to why planning permission should be granted for this use. The use is therefore contrary to the Green Belt principles of the National Planning Policy Framework. (NPPF)

The caravan storage can be seen from the neighbouring properties and on the approach from the A60 at certain times of the year when the trees are not in leaf. The light colour and metallic view of the caravans is an incongruous and alien feature in the countryside and is detrimental to the visual amenities of local residents and visitors to the area and affects the openness of the countryside.

In addition, the traffic generated by the unauthorised caravan storage would be likely to result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access which is geometrically substandard in that, it is of inadequate width to allow two vehicles to pass and will result in an increase in the likelihood of unacceptable danger to users of the highway, which may result in the driver having to reverse back or wait on A60.

As a result the use of the Land for the storage of caravans is contrary to Policy ENV1 (Development Criteria) of the Gedling Borough Council Replacement Local Plan (GCRP) (Certain Policies Saved) 2008.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

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

This appeal has been **dismissed**. The Inspector concluded that the caravan storage represents encroachment into the countryside and conflicts with the fundamental aim of Green Belt policy and it is inappropriate development in the Green Belt. It has significant adverse effect upon the rural character of the locality and has the potential to increase the risk to highway users. There are no other material considerations that warrant determining the appeal otherwise. The inspector increased the time for compliance of the notice from 1 month to 3 months. The land must therefore be cleared of caravans and the use ceased by the 8th November 2018.

Recommendation: To note the information.

ACTION SHEET PLANNING DELEGATION PANEL 3rd August 2018

2018/0599

Unit 2 Store 2 Daleside House Park Road East

Change of Use to children's soft play area (Use Class D2) - resubmission of 2017/1125

Application withdrawn from the agenda.

2018/0547

4 Langford Road Arnold NG5 7HR

Single storey side extension

The proposed development, by reason of its design and prominent location, would appear incongruous within the street scene.

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

Decision to be issued following completion of paperwork.

2018/0727

22 Kighill Lane Ravenshead NG15 9HN

6no. Residential Units with Garages & new Private Drive

The proposed development would prejudice the comprehensive development of a site allocated for residential development in the Local Planning Document.

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

3rd August 2018

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ACTION SHEET PLANNING DELEGATION PANEL 10th August 2018

2017/1521

Land Adjacent 26 Lymn Avenue Gedling
Single storey dwelling

The proposed development would be acceptable in principle and not cause harm to residential or visual amenity or to highway safety.

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

Decision to be issued following completion of paperwork.

2018/0366

218 Kenrick Road Mapperley NG3 6EX
Proposed residential development (including demolition of the existing dwelling).

The proposed development would be cramped and contrived and cause harm to the visual amenity of the surrounding area.

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

Decision to be issued following completion of paperwork.

2018/0569

Calverton Cricket Club Main Street Calverton
Extension to form 1st floor changing rooms and internal alterations

The proposed development would be acceptable within the Green Belt as very special circumstances have been demonstrated.

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

Decision to be issued following completion of paperwork.

2018/0584

25 Birkland Avenue Woodthorpe NG3 5LA
Demolish existing dwelling and construct 2No 3 bedroom detached two storey dwellings

The proposed development would be acceptable in principle and not cause harm to residential or visual amenity or to highway safety.

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

Decision to be issued following completion of paperwork.

2018/0628
12 Bank Hill Woodborough NG14 6EF
Replacement dwelling (resubmission of 2018/0026)

The Panel recommended that the application be determined by Planning Committee.

Graham Wraight 10th August 2018

ACTION SHEET PLANNING DELEGATION PANEL 17th August 2018

2018/0503

42 Hill Road Bestwood NG6 8TJ

Two new build semi-detached dwellings to the land adjacent to 42 Hill Road, Bestwood

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

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

Decision to be issued following completion of paperwork.

2018/0521

42 Crosslands Meadow Colwick NG4 2DJ

First floor side and front extension & garage conversion.

The proposed development would not have an undue impact upon visual or residential amenity.

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

Decision to be issued following completion of paperwork.

2018/0537

962 Woodborough Road Mapperley NG3 5QS

Change of use of ground and first floors to a mixed A3 and A4 use

The proposed development would comply with retail policies and would not have an undue impact upon adjacent properties.

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

Decision to be issued following completion of paperwork.

2018/0576

56 Sandfield Road Arnold NG5 6QB

Side, rear and first floor extensions to existing bungalow

The proposed development would not have an undue impact upon visual or residential amenity.

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

Decision to be issued following completion of paperwork.

2018/0586

81 Vernon Crescent Ravenshead NG15 9BP

Demolition of existing dwelling and construction of 3 new dwellings with summer houses to rear.

2 new vehicular access from Vernon Crescent to the site.

The proposed development would, by reason of its scale, massing, and layout, have no significant undue impact on the amenities of nearby and adjoining residential properties. The design of the development was carefully considered. On balance, given the mixture of styles in the area and the alterations in the design to reflect adjacent eaves heights, it was considered the contemporary design in this location would not appear significantly incongruous in the street scene and would not warrant a refusal of this application.

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

Decision to be issued following completion of paperwork.

2018/0604

61 Kirkby Road Ravenshead NG15 9HD

Single storey rear extension and change of use of land to residential.

The proposed development would be inappropriate development in the Green Belt.

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

Decision to be issued following completion of paperwork.

2018/0685

61 Kirkby Road Ravenshead NG15 9HD

Retention of garage and change of use of land to residential.

The proposed development would be inappropriate development in the Green Belt.

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

Decision to be issued following completion of paperwork.

Graham Wraight and David Gray 17th August 2018

ACTION SHEET PLANNING DELEGATION PANEL 24th August 2018

2018/0599

Unit 2 Store 2 Daleside House Park Road East

Change of Use to children's soft play area (Use Class D2) - resubmission of 2017/1125

The proposed development would fail to provide an adequate level of on-site parking provision to meet the needs of the business, which would result in a significant increase in parking on the public highway outside of the site. This would have severe highway safety implications for both road users and pedestrians.

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

Decision to be issued following completion of paperwork.

2018/0625

347 Carlton Hill Carlton NG4 1JE

Redevelopment of existing shop unit to provide retail (A1) floorspace at ground floor with storage space at first floor level, 3 No. flats on first and second floors and erection of wall to rear

The proposed development would have no undue impact on the vitality or viability of an existing centre, the amenity of adjoining properties, the character of the area, or on highway safety.

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

Decision to be issued following completion of paperwork.

2018/0641

10 Thorndale Road Calverton NG14 6JB

Single garage on front of property and alterations to vehicular access

The proposed development, by virtue of its siting, scale and design would appear as a prominent and obtrusive feature within the streetscene, out of keeping with the prevailing pattern of development, resulting in harm to the character and appearance of the area.

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

Decision to be issued following completion of paperwork.

2018/0704

Ravens Lodge Main Road Ravenshead

Variation of Condition 3 of Planning Consent 2001/1132 to allow the additional use of Ravens Lodge by Ravenshead Afterschool Club on Mondays and Tuesdays from 3pm until 6pm by 20 children on average.

The proposed development would have no undue impact on highway safety, the Green Belt, or the amenity of nearby premises.

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

Decision to be issued following completion of paperwork.

David Gray - 24th August 2018



Report to Planning Committee

Subject: Future Planning Applications

Date: 5 September 2018.

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>
2018/0115	Lakeside Mansfield Road Bestwood	Proposed hotel	03/10/2018
2018/0155	Brookfields Garden Centre Mapperley Plains Arnold	Outline application for the erection of up to 32 dwellings, including access	03/10/2018
2018/0577	Land Adjacent Gedling Manor Wood Lane Gedling	Residential development of 14 houses.	03/10/2018
2018/0228	Land Adjacent Oakdene Georges Lane Calverton	The change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities buildings	03/10/2018
2018/0549	Carlton Police Station Cavendish Road Carlton	Conversion of former Police Station in to 42 apartments.	03/10/2018

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.

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