



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

# Agenda

## Planning Committee

Date: **Wednesday 3 October 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**

**Page**

1. **Apologies for Absence and Substitutions.**
2. **To approve, as a correct record, the minutes of the meeting held on 5 September 2018** 5 - 28
- Planning Committee Protocol.**
3. **Declaration of Interests**
4. **Planning Application 2017/0155 - Brookfields Garden Centre, Mapperley Plains, Arnold** 33 - 52
5. **Planning Application 2018/0577 - Land Adjacent Gedling Manor, Wood Lane, Gedling** 53 - 74
6. **Planning Application 2018/0628 - 12 Bank Hill, Woodborough, NG14 6EF** 75 - 85
7. **Planning Application 2018/0045 - Kendon Packaging Ltd, Meadow Road, Netherfield** 87 - 104
8. **Tree Preservation Order 000110 - 6 Shelt Hill, Woodborough, Nottinghamshire** 105 - 107
9. **Enforcement 0009/2015 - The Tower House, Newstead Abbey Park, Station Avenue, Newstead** 109 - 116
10. **Enforcement 0090/2018 - Land to the West of 47a Riverside, Stoke Bardolph** 117 - 123
11. **Planning Delegation Panel Action Sheets** 125 - 131
12. **Future Applications** 133
13. **Any other items which the Chair considers urgent.**

This page is intentionally left blank

## **MINUTES PLANNING COMMITTEE**

**Wednesday 5 September 2018**

Councillor John Truscott (Chair)

In Attendance:           Councillor Paul Wilkinson           Councillor Barbara Miller  
                                  Councillor Michael Adams           Councillor Marje Paling  
                                  Councillor Pauline Allan           Councillor Colin Powell  
                                  Councillor Peter Barnes           Councillor Alex Scroggie  
                                  Councillor Alan Bexon           Councillor Henry Wheeler  
                                  Councillor Kevin Doyle           Councillor John Parr  
                                  Councillor David Ellis           Councillor Tammy Bisset  
                                  Councillor Meredith Lawrence

Absent:                    Councillor Chris Barnfather and Councillor Jane Walker

Officers in Attendance:           M Avery, D Gray, C Goodall and S Oleksiw

### **44           APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Barnfather and Walker. Councillors Bisset and Parr attended as substitutes.

### **45           TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 8 AUGUST 2018.**

#### **RESOLVED:**

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

### **46           DECLARATION OF INTERESTS**

The Chair declared a collective non-pecuniary interest on behalf of all Members of the committee in item 9 on the agenda, as Gedling Borough Council was the owner of the site and the applicant.

### **47           PLANNING APPLICATION 2018/0318 - EDEN LODGE CARE HOME, PARK ROAD, BESTWOOD.**

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

The Service Manager – Development Services introduced the report.

**RESOLVED 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. 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.

- 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with 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

**48 PLANNING APPLICATION 2018/0319 - EDEN LODGE CARE HOME, PARK ROAD, BESTWOOD.**

**Demolition of the existing Eden Lodge Care home facility and construction of 12 dwellings at Park Road Bestwood**

The Service Manager – Development Services introduced the report.

**RESOLVED 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with 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 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.

Date Recommended: 21st August 2018

**49 APPLICATION NUMBER 2018/0365 - LAND ON THE NORTH SIDE OF BRIARBANK AVENUE, CARLTON.**

**Erect 14no. apartments**

The Service Manager – Development Services introduced the report.

**RESOLVED to Refuse planning permission.**

**50 APPLICATION NUMBER 2018/0551 - COLWICK BUSINESS PARK ROAD NO 2, COLWICK.**

**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.**

The Service Manager – Development Services introduced the report.

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

**Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby approved shall be 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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](http://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](mailto: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

**51 APPLICATION NUMBER 2018/0684 - LAND AT CHASE FARM (FORMERLY GEDLING COLLIERY)**

**30 Unit Re-Plan (Ilke Types)**

The Service Manager – Development Services introduced the report.

**RESOLVED to 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](http://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@nottscc.gov.uk](mailto:hdc.south@nottscc.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](http://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

**APPLICATION NUMBER 2018/0783 - HAYWOOD ROAD BOWLING GREEN, MAPPERLEY.**

**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.**

The Service Manager – Development Services advised Members that further to the publication of the report, two letters of representation had been received.

The first representation sought clarity in respect of the alignment of the proposed fencing to the east of the site where the retaining wall terminates and the second representation was in support of the application.

The Service Manager – Development Services recommended that permission be granted in accordance with the report but with the removal of condition 3 relating to landscaping works. He explained that the site was owned by Gedling Borough Council and was therefore satisfied that the landscaping would be appropriate.

**RESOLVED that the Borough Council GRANTS FULL PLANNING PERMISSION, subject to conditions;**

**Conditions**

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

**Reasons**

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

## **Reasons for Decision**

The proposed 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.

### **53 APPEAL DECISION, APPLICATION NUMBER 2017/1197 - 284 LONGDALE LANE RAVENSHEAD**

The development proposed is a detached garden store.

**RESOLVED: To note the information.**

### **54 APPEAL DECISION, APPLICATION NUMBER 2017/1492 - 3A ARNO VALE ROAD WOODTHORPE.**

The development proposed is a detached 2 bedroom bungalow.

**RESOLVED: To note the information.**

### **55 APPEAL DECISION, APPLICATION NUMBER 2017/0725 - 45 LONGRIDGE ROAD, WOODTHORPE.**

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

**RESOLVED: To note the information.**

### **56 APPEAL DECISION, PLANNING ENFORCEMENT REF 0033/2016 - LAND AT SEVEN ACRES 15 MANSFIELD ROAD PAPPLEWICK**

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.

**RESOLVED: To note the information.**

**57 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED: To note the information.**

**58 FUTURE APPLICATIONS**

Noted.

**59 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.55 pm

Signed by Chair:  
Date:

## **PLANNING COMMITTEE PROTOCOL**

### **Introduction**

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

### **Disclosable Pecuniary and Non- Pecuniary Interests**

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

### **Pre-determination and Predisposition**

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

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

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

### **Lobbying**

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

### **Roles at Planning Committee**

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

### **Speaking at Planning Committee**

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

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

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

### **Determination of planning applications**

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

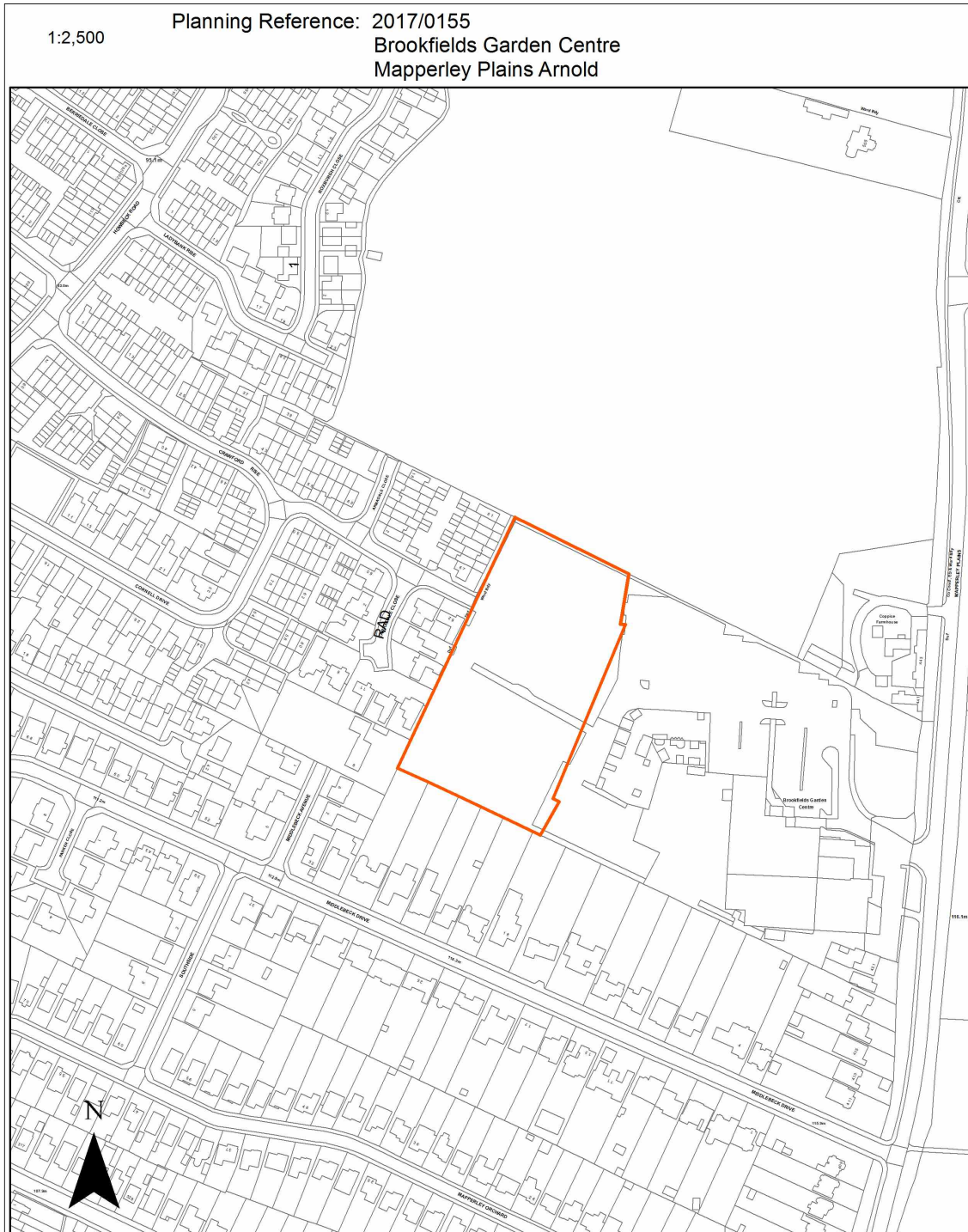
Oct 2015

This page is intentionally left blank





**Planning Report for 2017/0155**



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: 18/09/2018

## Report to Planning Committee

<b>Application Number:</b>	<b>2017/0155</b>
<b>Location:</b>	<b>Brookfields Garden Centre Mapperley Plains Arnold</b>
<b>Proposal:</b>	<b>Outline application for the erection of up to 32 dwellings, including access</b>
<b>Applicant:</b>	<b>Mr Andrew Clower</b>
<b>Agent:</b>	<b>Stone Planning Services Ltd</b>
<b>Case Officer:</b>	<b>David Gray</b>

**The application is a Major development, therefore, in accordance with the Council's Constitution; this application has been referred to Planning Committee**

### **1.0 Site Description**

- 1.1 The application site covers an area of land to the west of Brookfields Garden Centre which measures approximately 1.07 hectares. The current application site is within the curtilage of the existing long established commercial operation at Brookfields Garden Centre and occupies approximately one third of the site. The land has been utilised by the garden centre for the occasional storage of garden centre goods.
- 1.2 The application site is bounded to the north and south with mixed species hedgerows with a mature hedge to the west. The east boundary adjoining the car park and storage area, serving the garden centre, currently has no boundary treatment.
- 1.3 The site drops in level slightly from east to west. The Topographical survey indicates that there is a minor ridge line that runs north-south across the eastern end of the application site.
- 1.4 A public footpath links land to the north of Crawford Rise and runs adjacent to part of the western boundary of the application site. No's 67 – 81 Crawford Rise front onto the footpath, adjacent to the west boundary of the application site.
- 1.5 The west boundary of the application site is also adjoined by bungalows on Caradale Close and no.62 Crawford Rise.

### **2.0 Relevant Planning History**

2.1 Planning History relates to extensions and alterations to the Garden Centre and excludes the land subject to this outline planning permission.

### **3.0 Proposed Development**

3.1 Outline Planning Permission is sought with all matters reserved except access for up to 32 dwellings.

3.2 Access for the development is proposed from Crawford Rise utilising the spur of the existing cul-de-sac.

### **4.0 Consultations**

The application was advertised as a departure from the local plan.

#### **4.1 Nottinghamshire County Council –**

##### **4.1.1 Highway Authority**

The access from Crawford Rise is acceptable to serve an additional 32 dwellings, however the applicant/agent should construct/design the internal highways to comply with the current Nottinghamshire County Council's 6C's Design Guide.

##### **4.1.2 Transport and Travel**

Contributions towards local bus service provision would be sought to the value of £6,500 for enhancements to the two bus stops on Howbeck Road (GE0381 and GE0396), which shall include raised boarding kerbs and enforceable bus stop clearways.

##### **4.1.3 Lead Local Flood Authority**

No objection provided the surface water system is in accordance with the Document: - MEC Proposed Residential Development, Brookfields Garden Centre, Mapperley Plains, Nottingham, Flood Risk Assessment dated January 2017 Report ref 22362/01-17/4560

##### **4.1.4 Minerals**

Given the location of the development, surrounded on three sides by residential properties/commercial operations and the current situation at the two existing brick works the County Council is of the opinion that the proposed non-minerals development would not be inappropriate in this location providing there is sound argument that identifies a clear and demonstrable need for the non-minerals development. Given the proximity of residential properties the County Council would not expect the applicant to demonstrate that they have considered the practicality of prior extraction in this instance. However, given the nature of the mineral the County Council would advise the applicant that the prior extraction of brick clay has the potential to not only prevent the sterilisation of the mineral, but also be of benefit to them if any groundworks are necessary.

##### **4.1.5 Ecology**

The site is not covered by any nature conservation designations but it supports rough grassland and scrub, and is bounded by hedgerows and trees.

As such, it has the potential to support protected species. It is advised that a Preliminary Ecological Appraisal of the site should be carried out. The assessment should include:

- A desktop study for existing ecological information, to include consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC)
- A Extended phase 1 Habitat Survey
- Details of avoidance, mitigation and compensation measures, and opportunities for enhancements.

#### 4.1.6 Forestry Officer

There are no significant trees of value that would warrant a tree survey.

There are a number of recently planted conifer hedges within parts of the site boundaries which would provide screening for the existing houses. Due to the young age of these and the important screening value it would be advisable that the applicant shows how these are to be retained and protected. It is advised that the applicant shows some form of construction exclusion zone whereby at least 2 metres from the hedgerow will be protected.

#### 4.1.7 Education

A proposed development of 32 dwellings would yield an additional 7 primary and 5 secondary places. The County Council would therefore wish to seek an education contribution of £95,592 (7 x £13,656) towards the provision of a new primary school in North East Arnold and £88,765 (5 x £17,753) towards secondary school provision to accommodate the additional pupils projected to arise from the proposed development.

#### 4.2 Nottingham North and East Clinical Commissioning Group –

The proposal would trigger the need to provide health related section 106 funding amounting to £17,258.00 which is proportionate to the housing development size.

#### 4.3 Environment Agency –

The application falls within Flood Zone 1 and should be referred to the LLFA for management of surface water issues. As detailed above the LLFA do not raise any objection.

#### 4.4 Severn Trent Water

Should permission be forthcoming a condition should be attached requiring surface water drainage plans.

#### 4.5 **Gedling Borough Council**

##### 4.5.1 Scientific Officer

It is recommended that the standard condition relating to the discovery of contaminated land should be attached to any approval.

##### 4.5.2 Parks and Street Care

The site is over 0.4 hectares and will be subject to a section 106 agreement under the provisions of The New Housing Developments, Supplementary Planning Guidance for Open Space Provision.

#### 4.5.3 Economic Development

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

#### 4.5.4 Housing Strategy

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

4.6 **Neighbouring Properties** were notified and a **Site Notice** and **Press Notice** posted and 13 letters of representation have been received as a result. The comments can be outlined as follows: -

##### 4.6.1 Highway Safety

- There should be a requirement for an access road through at least 6 metres wide from Mapperley Plains for construction traffic;
- Crawford Rise is a busy road with many parked cars and lorries and construction traffic would add to congestion;
- There are more appropriate sites for housing with better access;
- The MEC transport assessment refers to likely increase in vehicle trip rates by using comparable surveys of sites of a similar location. However this has not taken into account the steep gradient of Crawford Rise which means that people are more inclined to use their vehicles for even short trips as very few cyclists would attempt the steep gradient. Therefore the development would generate a significant increase in traffic;
- During snowing periods people leave their cars abandoned on Howbeck Road causing hazards to pedestrians;
- Traffic to the new development would be hazardous to pedestrians using the existing footpath at the top of Crawford Rise;
- Access from Brookfields Garden Centre would be less harmful;
- The development would be contrary to Policy ENV1 due to the increased level of traffic generated;
- The development would be contrary to LPD35 due to the traffic and highway safety issues highlighted;
- The development would result in a reduction of on street car parking at the end of Crawford Rise;
- Should planning permission be forthcoming construction vehicles should be restricted from using Crawford Rise;
- The current public transport infrastructure is not adequate to accommodate this additional development;

##### 4.6.2 Neighbouring Amenity

- The property on the indicative plan adjacent to 62 Crawford Rise may give rise to overshadowing if it is a two storey property;

- Request that the show home is not the one adjacent to 62 Crawford Rise;
- Would impact on the privacy of adjoining neighbours with the potential for three storey housing;
- Should planning permission be forthcoming suitable boundary treatments should be provided for adjoining neighbours;
- The development would be contrary to Policy ENV1 due to its overbearing nature and proposed 2.5 story dwellings being out of character with existing dwellings and detrimental to residential amenities;
- The proposed development would result in undue overlooking, loss of privacy and visually overbearing impact;
- The properties shown to be fronting the footpath to complete the street and offer natural surveillance would overlook and overbear the properties facing the footpath;
- These proposals would seriously affect the primary amenity area of neighbouring gardens which would be severely overlooked resulting in invasion of privacy;
- Under the Human Rights Act a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. The dominating appearance of the development would impact on the right to the quiet enjoyment of neighbouring property;
- The development slopes from Mapperley Plains down to Crawford Rise and the development would result in overshadowing on these properties;

#### 4.6.3 Ecology / Wildlife

- The 220 m hedge adjoining neighbouring properties needs to be retained;
- The loss of trees adjacent to Crawford Rise;
- The east boundary is currently defined by a hedgerow and metal fence and its removal could impact on the privacy of adjoining neighbours;

#### 4.6.4 Design

- The Design and Access Statement suggests that the development would incorporate some 2.5 storey dwellings which would be out of character with the surrounding area;

#### 4.6.5 Flooding

- There is a requirement to insert a 220 metre long ditch to assist with surface water drainage issues;
- The continual development of the site, including the car parking areas, has resulted in surface water drainage issues towards the south and southwest boundaries.

#### 4.6.6 Green Belt

- Object to the redevelopment of Green Belt land which is contrary to policy.

#### 4.6.7 Other considerations

- Happy for the development to go ahead as long as Brookfields Garden Centre stays open.

## **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) (2018) 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 10<sup>th</sup> 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);
- ACS Policy 17 (Biodiversity);
- ACS Policy 18 (Infrastructure).

### **5.5 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 LPD21 – Provision of New Open Space;
- Policy LPD32 – Amenity;
- Policy LPD33 – Residential Density;
- Policy LPD35 – Safe, Accessible and Inclusive Development;
- Policy LPD36 – Affordable Housing;
- Policy LPD37 – Housing Type, Size and Tenure;
- Policy LPD48 – Local Labour Agreements;

- Policy LPD57 – Car Parking Standards;
- Policy LPD61 – Highway Safety;
- Policy LPD62 – Comprehensive Development;
- Policy LPD64 – Housing Allocations.

5.6 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;
- Access and Indicative Layout of development;
- Highway implications, including parking provision;
- Impact on the amenities of neighbouring premises;
- Water resources, flood risk and drainage;
- Biodiversity and Ecology;
- Contamination and health and safety;
- Other considerations.

**6.0 The principle of redeveloping the site;**

6.1 The NPPF attaches great importance to sustainable development. It states at paragraph 11 that: *‘plans and decisions should apply a presumption in favour of sustainable development’*. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.

6.2 The GBACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes located within and adjoining the Nottingham built up area. In order to meet this target the GBACS adopts a strategy of urban concentration with regeneration. The hierarchy used prioritises development within or on the edge of the built up area.

6.3 The application is on the urban edge of Arnold and therefore accords with the highest priority site in the housing hierarchy.

6.4 The application site forms 1.07 hectares of a larger site measuring in total 3.47 hectares which has been allocated for residential development in Policy LPD64 – Housing Allocations – Urban Area and edge of Hucknall. Policy LPD64 allocates the site as Housing Allocation H2 – Brookfields Garden Centre – and indicates an approximate capacity of 90 homes.

6.5 The sub-text of LPD64, at paragraph 3.5, states inter-alia that ‘Access to the site will be from Mapperley Plains and may be in conjunction with the adjacent site. Given that the access would be from Crawford Rise the development would be a departure from the development plan. However, the application needs to be considered on its own individual merits and the access to the site from Crawford Rise is assessed in Chapter 7.0 below in detail.

6.6 Based on the Affordable Housing SPD (adopted 2009) the allocated site is expected to deliver 31 affordable homes. Contributions would also be expected towards education, health and open space.



- 6.7 As the application site accounts for 32 dwellings on a third of the wider housing allocation, H2, the development accords with the approximate density set out by LPD33 and LPD64.
- 6.8 The proposal is for up to 32 dwellings on part of a housing site allocated for approximately 90 homes. Policy LPD 62 – Comprehensive Development – is clear that planning permission will not be granted for development which would prejudice the comprehensive development of a site allocated for housing in the Local Planning Document. Proposals should take into account the delivery of the whole of the site including provision of supporting infrastructure on site where appropriate in a timely manner.
- 6.9 The supporting text of the above policy at paragraph 1.1 states: ‘In order to protect the potential of a site to be developed for its intended use, the Borough Council needs to ensure that any proposal will not prejudice the development of the remainder of the site.’
- 6.10 ACS Policy 18: Infrastructure states that ‘New development must be supported by the required infrastructure at the appropriate stage’ and goes on to state at point 2; ‘Contributions will be sought from development proposals which give rise to the need for new infrastructure’. Paragraph 3.18.1 goes on to state that ‘The provision of adequate infrastructure and services to meet the needs of the existing community and to meet the needs of new development is essential and has been identified by communities as one of their biggest concerns. New development should not overburden existing infrastructure or communities.’
- 6.11 I note the requirements for the site to deliver affordable housing and contributions towards health, education and open space and the requirement of LPD62 to provide adequate infrastructure and services to meet the needs of the existing community. Whilst the application would only deliver one third of the site it is my view that the level of development being considered would trigger the requirements for the infrastructure required under LPD62 to be provided for this portion of the application site. It would also not prejudice the delivery of the infrastructure of the wider site should this come forward at a later date.
- 6.12 I note that an indicative layout has been submitted and the detailed layout would be considered on submission of a reserved matters application. However I do consider that the illustrative master plan provides a suitable framework to assess the site and illustrates that the road access from Mapperley Plains to the wider site can be achieved that would not compromise the comprehensive development of the wider site should this come forward. I consider that the number of dwellings accessed from Crawford Rise could be controlled in the future when assessing any future application which may come forward for the remainder of the Housing Allocation in the Local Planning Document.
- 6.13 Given the above assessment I consider that the proposed development would accord with the highest priority location for new development, would deliver the appropriate infrastructure required, and would not compromise the comprehensive development of the wider site in the future. It is therefore my

opinion that the development accords with Policy ACS18, LPD62 and LPD64. 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 safety implications, including access;**

- 7.1 Access to the site is proposed from Crawford Rise and there is a public right of way that adjoins the northwest boundary.
- 7.2 I note the significant level of representation received with regards to the gradient of Crawford Rise, the number of parked cars on the street creating obstructions, difficulties occurring during extreme weather events, access for emergency vehicles, fears that the whole housing allocation could be accessed from Crawford Rise increasing traffic to the detriment of existing residents, highway safety issues and consideration of alternative access from Mapperley Plains.
- 7.3 I note that the Highway Authority have been consulted on this proposal and have raised no objection to 32 dwellings being accessed from Crawford Rise. I am also satisfied, as shown for indicative purposes on the Masterplan, that the applicant/agent could design the internal highways to comply with the current Nottinghamshire County Council's 6C's Design Guide.
- 7.4 I note the representations received with regards to the alternative access from Mapperley Plains being utilised for the whole site and that the subtext of LPD64 at paragraph 3.5 which states that access would be from Mapperley Plains. It is considered that should the wider site come forward including the Garden Centre element that the preferred access to serve the wider development would come from Mapperley Plains. However, the wider site does not form part of this proposal and this application must be considered on its own individual merits. I note the conclusions in paragraph 6.12 above in that the development of part of this site would not compromise the comprehensive development of the wider housing allocation, and as the Highway Authority have not objected to the access, I do not consider that a refusal of this application on access and highway safety grounds could be substantiated in this instance.
- 7.5 I do however note the concerns regarding the wider site for 90 homes being accessed using the same access. The application being considered is outline approval for 32 dwellings with all matters reserved; except access, for subsequent approval. I therefore consider that matters relating to the layout would be considered at depth at the reserved matters stage and interconnectivity between the sites, should the wider site come forward in the future, can be considered and managed on their own merits should the applications be submitted.
- 7.6 The County Council request a planning obligation (s106 contribution) of £6,500 to be used in relation to enhancements to the two bus stops on Howbeck Road (GE0381 and GE0396) which shall be utilised on raised boarding kerbs and enforceable bus stop clearways.

7.7 Whilst I note that the application would be a departure from the Local Plan given that the access to the smaller site is proposed from Crawford Rise, no highway safety implications have been raised by the Highway Authority as discussed above in chapter 6.0. The development of this smaller element would not compromise the comprehensive development of the wider site should it come forward in the future.

## **8.0 Indicative layout 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 Whilst all matters except access are reserved at this point I consider that the indicative Masterplan and the Design and Access Statement provide an appropriate framework to assess the potential design and layout of a residential development on this site.

8.3 The indicative layout shows that the use of front facing development along arterial roads, the rear garden areas backing onto the existing rear boundaries of properties on Middlebeck Drive, the road layout also allows for strong frontages onto the public realm and footpath links, thereby supporting a safe environment through natural surveillance.

8.4 Overall it is considered that an imaginative design can be achieved on the site that suitably connects with existing residential properties in the area, and that natural features such as hedges and mature vegetation could be incorporated into the fabric of the scheme. I am content that an appropriate design can be achieved on site that would closely relate to existing features on the site and the architectural styles of the surrounding area. I am therefore satisfied that the application accords with the broad aims of the NPPF and Policy 10 of the ACS.

## **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 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 can be achieved with rear elevations being a distance from adjoining residents to ensure there would be no undue overlooking, overshadowing or overbearing impact on neighbouring amenity.

- 9.3 I note the comments received regarding the disturbance that could occur during construction. The nearest buildings that could be affected are those on Crawford Rise. 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 Water resources, flood risk and drainage;**

- 10.1 I note that 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 over 1 hectare the Environment Agency were consulted and have not objected subject to consultation with the Lead Local Flood Authority.
- 10.2 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.
- 10.3 I note that the Lead Local Flood Authority were consulted on this application and raised no objection provided the surface water drainage scheme is in accordance with the submitted Flood Risk Assessment. Should planning permission be forthcoming a condition would be attached requiring a detailed surface water drainage scheme.

#### **11.0 Biodiversity and Ecology;**

- 11.1 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.
- 11.2 I note the comments from the NCC Ecology and should outline planning permission be forthcoming a condition would be attached requiring, A desktop study for existing ecological information, to include consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC), a Extended phase 1 Habitat Survey, and Details of avoidance, mitigation and compensation measures, and opportunities for enhancements.
- 11.3 I also note the comments from the Arboricultural Officer whom states there are no trees of value on the site. I also note the extensive comments received regarding the existing hedge that runs adjacent to the south and west boundary of the site. The application at present is for outline planning permission with matters relating to landscaping reserved for future consideration. It is my opinion that subject to the appropriate conditions,

significant green infrastructure can be retained when designing the detailed layout to ensure that mature vegetation on existing boundaries are retained and sufficiently protected during the development.

## **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 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 Socio Economic Impacts**

### **13.1 Affordable Housing**

In accordance with LPD 67 the development of the site would equate to the requirement of nine affordable homes to be provided onsite. Gedling Affordable Housing Supplementary Planning Document requires 30% affordable housing on this site with a mix of 70% affordable rented dwellings and 30% intermediate for sale dwellings.

### **13.2 Strategic Highways**

Transport and Travel Services request a contribution via Section 106 for Bus Stop improvements to the value of £6,500. I consider that this is reasonable as the development will be required to be served by public transport and the existing facilities justifiably requiring updating. This payment should be made to the County Council prior to the commencement of development.

### **13.3 Economic**

I note the comments from the economic development officer, the size of the site and the numbers of dwellings to be built meet the Council's thresholds to implement the Construction Industry Training Board (CITB) to create work and opportunities during the term of the build. Should planning permission be forthcoming CITB would form part of the s106.

### **13.4 Education**

The County Council would seek an education contribution of £95,592 (7 x £13,656) towards the provision of a new primary school in North East Arnold and £88,765 (5 x £17,753) towards secondary school provision to accommodate the additional pupils projected to arise from the proposed development.

### **13.5 Health Care**

The proposal would trigger the need to provide health related section 106 funding amounting to £17,258.00 which is proportionate to the housing development size.

#### 13.6 Public Open Space

The site is over 0.4 hectares and will be subject to a section 106 agreement under the provisions of The New Housing Developments, Supplementary Planning Guidance for Open Space Provision.

The design and access statement at paragraph 6.9 states that an area of public open space would be provided, which includes a Sustainable Urban Drainage System (SUDS) pond with active edges of dwellings enclosing and overlooking this space.

#### 14.0 Conclusion

14.1 At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate the development should be restricted.

14.2 Whilst the access arrangements are a departure from the development plan, 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 That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, with matters relating to Appearance, Landscaping, Layout and Scale reserved for subsequent approval and subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council education authority and highways authority for the provision of, or financial contributions towards Educational Facilities, Healthcare, Local Employment Agreement, Bus Stop Improvements and Public Open Space; and subject to the following conditions:**

#### **Conditions**

- 1 Approval of the details of 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 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 2nd February 2017: - Application Forms; Planning Statement (January 2017); M-EC Transport Statement (Dec 2016); Topographical Survey; Design and Access Statement; Illustrative Masterplan (M11039/003A); Extended Phase 1 Habitat Survey (P1198/1116/01); Constraints and Opportunities Plan; Site Location Plan; Minerals Resource Assessment; and Flood Risk Assessment (22362/01-17/4560).
- 4 No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, 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 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.
- 6 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.
- 7 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. The Remediation Scheme shall be implemented as approved.
- 8 In the event that remediation is required to render the development suitable for use, a written remediation scheme and timetable of works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details. Prior to the development being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action) must be submitted to and approved in writing by the Local Planning Authority.

- 9 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 demolition and construction works.
- 10 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 and based on the submitted Document: MEC Proposed Residential Development, Brookfields Garden Centre, Mapperley Plains, Flood Risk Assessment - January 2017 Report ref (22362/01-17/4560). 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.
- 11 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree / hedge protection plan to graphically show the locations of any tree / hedge and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement (AMS). The AMS provides guidance as to how works might be mitigated or compensated for; (3) Details of any special engineering works and surfacing required near trees / hedges. The approved measures of protection shall be implemented in accordance with the approved details for the duration of the construction period.
- 12 Before development is commenced, there shall be submitted to and approved in writing by the Local Planning Authority a Desktop Study for Existing Ecological Information, to include: (1) Consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC); (2) An Extended phase 1 Habitat Survey; and (3) Details of avoidance, mitigation and compensation measures, and opportunities for enhancements. The development shall be implemented strictly in accordance with the approved details.
- 13 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.
- 14 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.

- 15 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 the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 16 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 Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

## **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 reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 6 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 7 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.
- 8 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.

- 9 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).
- 10 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, Policies 1 and 17 of the Aligned Core Strategy Submission Documents and Policy LPD4.
- 11 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 Policy LPD18 (July 2018).
- 12 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 Policy LPD18.
- 13 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 14 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 15 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 16 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **Reasons for Decision**

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

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

The 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.

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.

No removal of hedgerows, trees or shrubs shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council.

The Environment Agency advises that SuDS involve a range of techniques, including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

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

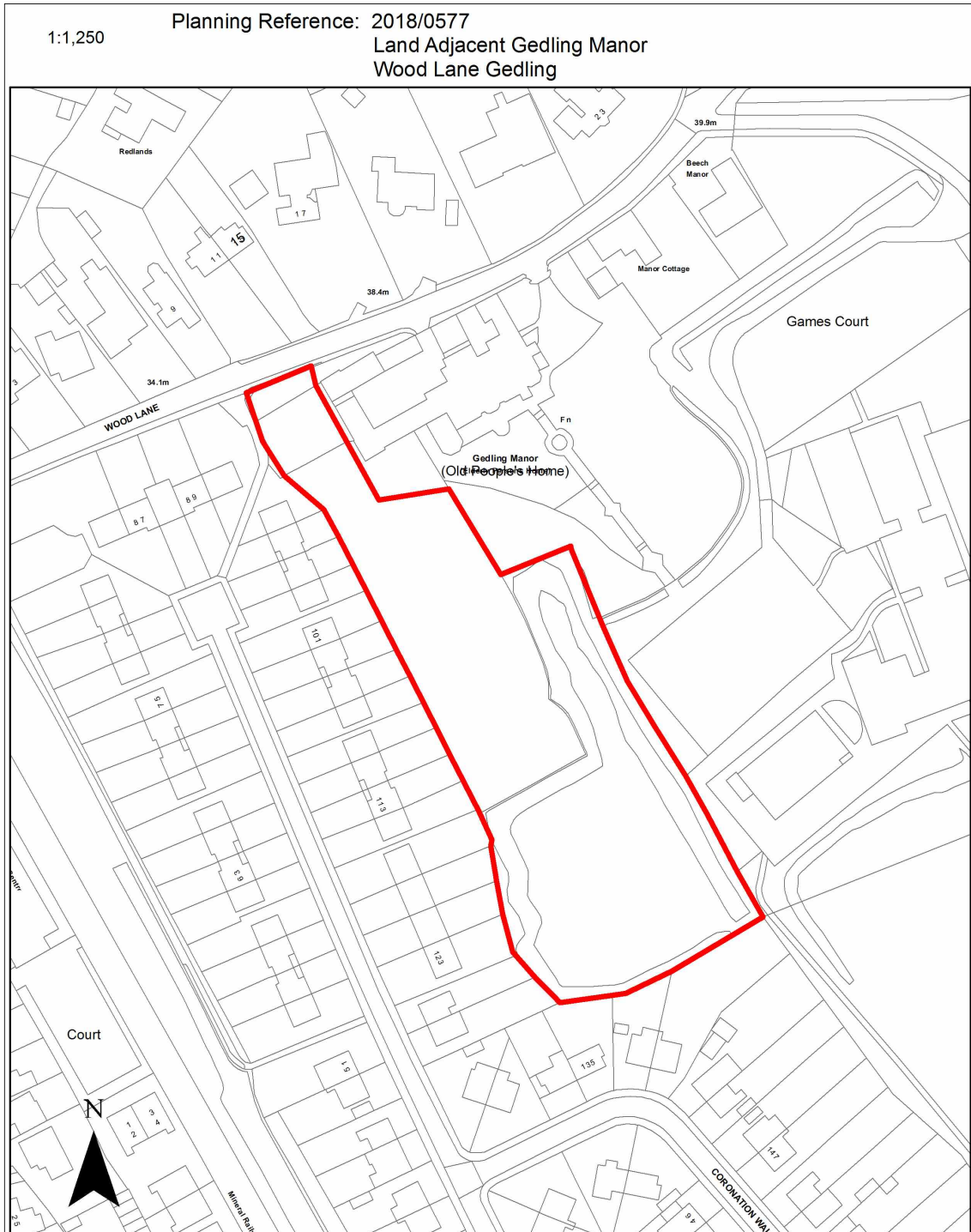
The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 38 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

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.



**Planning Report for 2018/0577**



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.



Date: 18/09/2018

**Report to Planning Committee**

<b>Application Number:</b>	<b>2018/0577</b>
<b>Location:</b>	<b>Land Adjacent Gedling Manor Wood Lane Gedling</b>
<b>Proposal:</b>	<b>Residential development of 14 houses.</b>
<b>Applicant:</b>	<b>Peter James Homes Ltd</b>
<b>Agent:</b>	<b>Stephen George And Partners</b>
<b>Case Officer:</b>	<b>David Gray</b>

**1.0 Site Description**

- 1.1 The application site relates to an area of land measuring approximately 0.73 hectares. The application site is accessed from the south side of Wood Lane.
- 1.2 The application site was allocated for housing under Policy H2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) which was revoked on the 18<sup>th</sup> July 2018 on adoption of the Local Planning Document.
- 1.3 The application site was previously mined and as a result has significant level changes of up to 7 metres. The front portion of the site sits at a higher level and is of a similar level to the surrounding area on Wood Lane. The site level drops down to the southern end to a lower position via a very steep slope. The lower level extends into a sunken ravine stretching along the eastern boundary.
- 1.4 To the south and west of the site are the rear garden boundaries of residential properties on Coronation Walk. To the East of the site is Gedling Manor and Carlton le Willows Academy.
- 1.5 The south portion of the application site is covered by a Group Tree Preservation Order (TPO) reference G0182. Prior to the submission of this application extensive clearance works were undertaken to mature vegetation that was not covered by the TPO.
- 1.6 Gedling Manor is not a Listed Building but a building of Local Interest with elements of architectural importance. Despite modern alterations the buildings retain decorative breather patterns and brick eaves details. There is a listed building namely 11 and 15 Wood Lane a pair of cottages.

- 1.7 The area in general is defined by a mixture of architectural styles including small residential bungalows to the south and large detached residential properties set in large grounds to the north of Wood Lane.
- 1.8 The application site is located within the urban residential area.
- 1.9 The applicant has identified various constraints on the site which are as follows:
- i. The topography of the site. There is an escarpment cutting through the site creating issues with the levels.
  - ii. Following scientific inspection there is an initial band of land up to and including the escarpment which is hard stand stone and difficult to excavate, with lower sections requiring some fill to enable a more suitable road gradient.
  - iii. Numerous mature trees on site.
  - iv. Drainage, due to the level changes on the site.
  - v. Retaining wall, there would be a number of engineering operations required to develop the site.
  - vi. The irregular shape of the application site.

## **2.0 Relevant Planning History**

- 2.1 A resolution to grant full planning permission subject to the completion of the s106 agreement was made at Planning Committee dated 30<sup>th</sup> August 2017 for a residential development of 13 houses (ref: 2017/0455).

## **3.0 Proposed Development**

- 3.1 Full Planning Permission is sought for a residential development comprising of 14 detached dwellings, associated roads and driveways, and amenity areas.

### **3.2 Proposed Dwellings**

The proposal is for 14no individually designed detached dwellings. Dwelling types include 3, 4 and 5 bedroom detached family houses ranging from 1,031sq.ft – 2,335sq.ft.

### **3.3 Access**

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

### **3.4 Layout**

The access road continues into the site fronted on the east side by 4 and 5 bedroom houses and would be screened to the west, on the other side, from

the existing bungalows by a replanted hedge which replaces the existing hedge, which requires removal in order to construct the access road.

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

### 3.5 Car Parking

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

### 3.6 Landscape

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

A tree survey has been carried out by 'Emec Arboriculture' and forms part of this application.

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

## 4.0 Consultations

### 4.1 Nottinghamshire County Council (Highway Authority) –

The development is to be PRIVATE, Gedling Borough Refuse Team has agreed that they will access the site with a smaller Refuse Lorry.

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

The applicant will be required to deposit a map with us under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.

The applicant should clearly indicate that the development roads are to be private, also required:

- The applicant will be required to erect road signs indicating that the roads are un-adopted and to maintain the signs for as long as the roads remain un-adopted, all at their expense;
- The applicant will be required to provide evidence that they have made clear to potential purchasers of the dwellings on un-adopted roads what the status of the road will mean to them in practice; and



- The applicant will be required to provide evidence that they have secured future maintenance of the roads, for example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;
- The applicant will be required to indemnify the Highway Authority against future petitioning by residents to adopt their road under Section 37 of the Highways Act 1980, where the road joins together two adopted highways; and
- the boundary between the private road and the publicly-maintained highway to be clearly marked by a concrete edging or similar.

Conditions relating to the access and visibility splays, future maintenance of the private drives, drainage, surfacing and wheel washing facilities are requested.

#### 4.2 Waste Services

The layout with 1:20 incline is acceptable from Waste Services perspective and can be incorporated on an existing bin collection route.

#### 4.3 Nottinghamshire County Council (Lead Local Flood Authority) –

Have requested that a Drainage Strategy is submitted advising how the drainage design has been achieved.

#### 4.4 Nottinghamshire County Council (Education)

A proposed development of 14 dwellings would yield an additional 3 primary and 2 secondary places.

We would therefore wish to seek an education contribution of £40,968 (3 x £13,656) to provide primary and £35,506 (2 x £17,753) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

#### 4.5 Severn Trent Water –

No observations received.

#### 4.6 Arboricultural Officer –

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

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

- 1) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers.

- 2) Arboricultural Method Statement: to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated.
- 3) Details of any special engineering works and surfacing required near trees.

No objections subject to the further details sought by condition.

#### 4.7 Strategic Housing –

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

#### 4.8 Parks and Street Care –

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

#### 4.9 Economic Development –

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

#### 4.10 Natural England

No objections.

The proposal is unlikely to affect any statutory conservation sites.

#### 4.11 Public Protection (Scientific Officer)

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

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

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

#### 4.12 Carlton Le Willows Academy

*No comments received in relation to the current application. The comments below were made in relation to the previous application 2017/0455:*

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

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

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

#### 4.14 Neighbouring Residents were notified and a Site Notice and Press Notice posted and 6 letters of representation were received as a result. The comments can be outlined as follows: -

##### 4.14.1 Comments Objecting to the Scheme

###### Highway Safety / Traffic

- Concerns relating to the additional parking and traffic that would be generated.
- The additional cars would result in highway safety implications on the Wood Lane.
- The parking of cars on the road would have an adverse impact on existing visibility splays.
- Wood Lane is narrow and lacks pavements.
- The development would increase highway safety risks for pupils using the school.
- Highway Comments have been ignored regarding the fact that Wood Lane is not to adoptable standards with inadequate footways and there has been a previous refusal due to lack of pavements, visibility splays and a problem for children using the school.
- There has been a previous application that was refused on highway safety grounds.
- There is a low GNR railway bridge to be negotiated by construction traffic which could be damaged.
- When previous works were undertaken mud was left on the road which is a hazard to pedestrians.

###### Neighbouring Residential Amenity

- There would be a large house overlooking the homes across the street on Wood Lane.

###### Design

- Wood Lane is a country lane and further development would take away character in this area;
- The property fronting Wood Lane would be out of keeping with the surrounding area.

###### Other Considerations

- If the highway comments are ignored then the Council runs the risk of being referred to the Local Government Ombudsman.

## **5.0 Planning Considerations**

### **5.1 Assessments of Planning Considerations**

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 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) (March 2012) and the additional information provided in the National Planning Practice Guidance (NPPG).

### **5.4 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 15 (Conserving and enhancing the natural environment);
- Part 16 (Conserving and enhancing the historic environment).

### **5.5 Development Plan Policies**

On the 10<sup>th</sup> 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);

### **5.6 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.

5.7 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 proposal are: -

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

Each of the above aspects is considered in detail below.

## **6.0 Principle of development**

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

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

6.3 The proposal is located within the defined urban area of Gedling and, as such, accords with the strategy of urban concentration set out in ACS Policy 2.

6.4 The application site was previously allocated for housing under Policy H2 of the GBRLP and therefore the principle of residential development at this time was established. The allocation was for 40 homes. The site has been assessed as part of the 2016 review of the Strategic Housing Land Availability

Assessment (SHLAA) (site 6/137) identified as an allocation and as such considered suitable and deliverable with a capacity of 13 homes. The reduction in capacity in comparison with the allocation for 40 in the GBRLP reflects the difficult topography of the site and extensive tree cover some of which are to be retained.

- 6.5 The site has not been brought forward as a housing allocation in the LPD as it falls beneath the threshold of 50 homes and is considered deliverable due to its sustainable location within an established residential area.
- 6.6 Given the location of the development within the established urban residential area there would be no objection in principle to the residential redevelopment of the site. It is also my opinion that the development would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community. The development is therefore considered acceptable in principle subject to the detailed consideration of the following matters.

## **7.0 Effective and Efficient Use of Land**

- 7.1 The development is to provide 14 residential units on a site of 0.75 hectares, equating to a residential density of approximately 19 dwellings per hectare. Policy LPD33 sets out the residential density requirements of at least 30 dwellings per hectare. The application proposes 14 dwellings on a site of 0.75 hectares equating to lower than 30 dwellings per hectare. As highlighted above in the constraints there are numerous abnormalities that restrict the layout and density of this specific site. Whilst I consider that a higher residential density would be Policy compliant there is an exception listed to this in LPD33 which states: 'Exceptions to this are iii) locations where there is convincing evidence of a need for a different figure. In my opinion the site constraints such as the narrow site with significant topographical limitations, is not considered conducive to a significantly higher density. I also consider that the character of the immediate area is defined by larger detached dwellings within large plots. It is my opinion that the site limitations have been demonstrated and specific layout solutions have been incorporated to address site level changes and site specific limitations.
- 7.2 I therefore consider that the development as proposed represents an effective and efficient use of land given the significant topographical limitations of the site and more in keeping with the density and character of the surrounding area.

## **8.0 Ecology / Trees**

- 8.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Policy 17 of the ACS and Section 15 of the NPPF.
- 8.2 Policy 17 of the ACS states that development on or affecting non-designated sites of wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are in place.

- 8.3 Section 15 of the NPPF advises, at paragraph 175, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.4 I note that the application site has no statutory designation as a Local Wildlife Site or as a Site of Importance for Nature Conservation; however, I would note the site is covered in the southern corner by an existing Group Tree Preservation Order (G0182). I also note that prior to the submission of this application the site was cleared of extensive vegetation cover in order to undertake site surveys. The site was inspected at the time of this clearance and the majority of the works was to small self-set vegetation. The works that were undertaken took into account of the existing Group Tree Preservation Order and retained the trees that are listed on the Schedule.
- 8.5 I note that an up-to-date Tree Survey has been submitted in support of this application and that this has been assessed and reviewed by the Arboricultural Officer. Confirmation has been received that the Tree Survey is adequate for the purposes of the application. However, should planning permission be forthcoming a recommended condition should be attached to any approval that following BS 5837:2012 tree survey details that have been provided further details should be sought in relation to: -
1. Tree Protection Plan to graphically show proposed site with retained trees and locations of root protection barriers;
  2. Arboricultural Method Statement to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated;
  3. Details of any special engineering works and surfacing required near trees.
- 8.6 I also note that the scheme proposes to retain the mature trees of significant value and a Landscape Scheme can be secured by condition to incorporate native species planting of the new hedgerow and vegetation planting to reduce the impact on ecology and trees as a result of the development.
- 8.7 Overall, mitigation can be secured by condition that can address the loss of the self-set woodland that has previously been cleared and suitable native landscaping can be secured via condition.

## **9.0 The impact on neighbouring amenity**

- 9.1 Individual houses have been arranged within the site so as to minimise the opportunity for direct overlooking, particularly from upper floor windows. The layout of the site as a whole has orientated properties to minimise the potential for overlooking and overshadowing. I note that the rear garden boundaries of plots 13 and 14 would adjoin the rear boundaries of properties on Coronation Walk; I consider the distances between rear elevations are

sufficient to prevent any undue overlooking impact. I am satisfied that there would be no undue overlooking, overshadowing or overbearing impact on neighbouring amenity from the development.

- 9.2 I note the comments received with regards to the potential overlooking from plot 1 to properties on the other side of Wood Lane. However, given the significant distance of approximately 31 metres between the properties, the fact that plot faces onto Wood Lane with a protected tree in the front garden, I do not consider that there would be any undue overlooking from this property to the properties on the opposite side of Wood Lane.
- 9.3 I also note the comments received with regards to the disturbance and noise during construction, however, I am satisfied that the disturbance from construction can be satisfactorily mitigated by use of appropriate Dust Management / Construction Environmental Management conditions attached to this approval.
- 9.4 I am satisfied that the proposed development would not result in any material overbearing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is therefore considered that the indicative details deposited with the application accord with the NPPF, LPD32 and Policy 10 of the GBACS.

## **10.0 Masterplan and design**

- 10.1 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.
- 10.2 The proposal would provide 14 homes on a site measuring 0.73 hectares, equating to a residential density of approximately 19 dwellings per hectare. I note that this low density is reflected in the surrounding area. Given the site limitations and the character of the area, I consider, the development would be consistent with the pattern of residential development in the area which is characterised by large detached dwellings on large plots.
- 10.3 I note that the design of the proposal incorporates individually designed homes, which given the topography of the site, would in some instances be constructed over split levels. I consider that the individual, traditionally designed homes would sit well within the context of the development and would create a sense of place with its own identity. The masterplan and Design and Access Statement provide an appropriate framework within to shape a new sense of place that would integrate cohesively to the existing pattern of development.
- 10.4 I note the comments received with regards to the property facing Wood Lane at the entrance to the development being out of keeping with the surrounding area. I also note that the proposed dwelling would be set back from the back



edge of the highway with a significant tree to be retained in the front garden that is protected by a Tree Preservation Order. I would note that the entrance to the site would be adjacent to Gedling Manor which has a frontage directly onto the back edge of the pavement and that the area is defined by a mixture of architectural styles. It is my opinion that the traditionally designed bay windowed home facing Wood Lane would sit well with the surrounding area and would not result in an incongruous feature within the existing streetscene.

- 10.5 I am satisfied that an imaginative layout has been achieved. Despite the limited dimensions of the site and the number of properties being proposed, the layout achieves a frontage onto Wood Lane with a sense of place being created with architectural features of merit. I consider that this would ensure a positive contribution to the streetscene.
- 10.6 Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- 10.7 Given that the development would result in an access road and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should planning permission be forthcoming details of a Management Company responsible for the upkeep of the access drive and open space not within the curtilages of dwellings would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.
- 10.8 In my opinion, the proposed development would meet the relevant design elements of Policy 10 of the ACS in terms of the positive contribution it would make in the streetscene by virtue of its architectural style, detailing and materials.

## **11.0 Highway Safety / Transport and Connectivity**

- 11.1 I note the comments received regarding the adverse impact that the increased number of dwellings on Wood Lane would have on the level of traffic on Wood Lane and the Highway Safety concerns raised as a result of this. I also note the comments received from the Highway Authority which have accepted that the principle of 14 additional dwellings from Wood Lane is acceptable.
- 11.2 I also note that the Highway Authority have not objected to the additional dwellings being accessed from Wood Lane on highway safety grounds or, following confirmation from Waste Services, the 14 dwellings being accessed from a private drive.
- 11.3 I note the comments with regards to the Section 219 to 255 of the Highways Act and the requirements of the Advanced Payment Code (APC) to provide a cash bond for the road for future adoption. I consider this to be a matter to be resolved between the developer and the Highway Authority and would not be material to the grant of this planning permission, however; It is recommended

that an informative note should be provided to the applicant should planning permission be forthcoming, advising the applicant of the implications and requirements of the Highway's Act – APC.

- 11.4 When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The proposed development is for 14 residential units within a 'built-up area' with allocated car parking provision in excess of 3 spaces per dwelling when including the garages. When referring to the Parking Provision for Residential Development Supplementary Planning Document (SPD) the developments allocated provision would result in no additional demand for unallocated spaces (on-street car parking) given that the development provides at least 3 off street car parking spaces for each dwelling. The development therefore accords with the SPD.
- 11.5 Given that the Highway Authority have not objected to the proposal on Highway Safety grounds and that the matters relating to the private drive are matters between the applicant and the Highway Authority, I am satisfied, the development can be achieved without any significant adverse impact on highway safety. Whilst I note the comments received from neighbours about the increase risk due to the increased vehicle journeys I note that the Highway Authority would not be in position to robustly defend a refusal based upon the increased traffic that a development of 14 dwellings would create and therefore the principle of such development is acceptable.

## **12.0 Water resources, flood risk and drainage**

- 12.1 I note that the site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. Given that the application site is not over 1 hectare and does not impact on an area at risk of flooding or existing water courses the Environment Agency were not required to be consulted for this development.
- 12.2 Policy LPD 4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 12.3 Paragraph 100 of the NPPF states that: Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.
- 12.4 Paragraph 103 states: 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere'
- 12.5 The development is a complete redevelopment of woodland and there is potential for increased surface water run-off as a result of the proposed development; however, I note that surface water drainage plans have been submitted with the application, however, the LLFA require further details that would be sought by condition. In terms of foul drainage, Severn Trent Water

have not made any comments, therefore there are assumed to be no issues with connecting to foul drainage systems. The connection to foul drainage systems would however be a Building Regulations matter.

- 12.6 In my opinion, given the site is low risk of flooding and subject to acceptable surface water drainage plans being approved the development is acceptable in terms of water resources, flood risk and drainage.

### **13.0 Heritage and archaeology**

- 13.1 The NPPF has a number of core principles at paragraph 17, one of which states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 13.2 I note that the property opposite is Grade II Listed under the title 11 and 15 Wood Lane and is now two houses. The application site is on the opposite side of the road, and is sited 10 metres from the curtilage and 34 metres from the listed properties. When viewing the Historical Mapping Wood Lane has been a permanent fixture and separated the application site from these dwellings.
- 13.3 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset; may affect the ability to appreciate that significance; or, may be neutral.
- 13.4 No's 11 and 15 Wood Lane are sited in an elevated position behind a large course stone wall with mature vegetation. The cottages are contained within their own curtilage with very limited views from to the properties from the public realm.
- 13.5 It is my opinion, given that the current setting of no's 11 and 15 is predominately defined within their own curtilage with existing mature trees on the boundary and the residential nature of the surrounding area, the impact on the setting of no's 11 and 15 Wood Lane could be assessed as neutral and the benefits that would arise from the proposal would outweigh any harm in this instance.
- 13.6 Given that the site is not within a Conservation Area and that the development is not considered to have an adverse impact on the setting of a Grade II Listed Building I am satisfied that appropriate consultation has been undertaken in this instance.
- 13.7 I note that the property adjacent to the application site is a Local Interest Building and not a Grade II Listed Building. I also note that Gedling Manor over time has been subject to modern alterations. Historic England was not consulted in relation with this application as the development does not impact on a Listed Building. Given that the site is not within a Conservation Area and that the development is not considered to have an adverse impact on the

setting of a Grade II Listed Building I am satisfied that appropriate consultation has been undertaken in this instance.

- 13.8 It is my opinion the development would not adversely affect the setting of any Listed Buildings given the significant distance to the nearest Grade II building, Gedling House (approximately 560 metres to the northeast of the application site) and the distance to 11 and 15 Wood Lane (34 metres). The impact on this heritage asset would be localised to the approach and the development would, in my opinion, not directly impact any important views or vistas leading to or coming from the Listed Building.

#### **14.0 Socio Economic Impacts**

##### **14.1 *Education***

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

An education contribution of £40,968 (3 x £13,656) to provide primary and £35,506 (2 x £17,753) to provide secondary provision to accommodate the additional pupils would be sought by s106.

##### **14.2 *Local Labour Agreement***

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

##### **14.3 *Public Open Space***

I note that the development would be over the threshold of 0.4Ha and that a contribution towards open space would be required. The necessary improvements to open space can be secured by means of a financial contribution by way of a S106 planning obligation, in accordance with Policies 12 and 19 of the ACS and paragraph 204. The Council Parks and Street Care service has advised that the s106 contribution should be expended at Lambley Lane Recreational Ground.

#### **15.0 Other considerations**

- 15.1 I note the comments received with regards to an objection to the development from the Highway Authority; however, the objection would appear to relate to a historic application and not the same application site. Local Planning Authorities are required to consider each application on its own individual merits and the Highway Authority has been consulted and not objected to this application.

## **16.0 Conclusion**

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

## **17.0 Recommendation: GRANT FULL PLANNING PERMISSION subject to the applicant entering into a Section 106 planning obligation with the Borough Council as Local Planning Authority and Nottinghamshire County Council for the provision of / or financial contributions towards: Public Open Space; Education; Management Company for Maintenance of access road and areas of open space not within residential curtilages; and a Local Labour Agreement and subject to the following conditions:**

### **Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be constructed strictly in accordance with the Application Forms and the following approved submitted with the application, drawing numbers: Site as Existing (P002 P); Geodyne Plans and Reports (36011/DRAFT); Severn Trent Commercial Extra Drainage and Water Report (SF23263878000); Site Location Plan (P001); Topographical Study (0001); Emec Ecology Protected Species Walk Over (8518/SG/16); Design and Access Statement; Plot 1 (P201); Plot 2 and 3 (P202); Plot 4 (P204); Plot 5 (P205); Plot 6 (P206); Plots 7 - 10 (P207); Plot 11 (14 handed) (P211); Plot 12 (P212); Plot 13 (P213); Single Garage (P300); Double Garage (P301); Proposed Site Access (16041-01 K); Swept Path Analysis (16041-04 A); Proposed Private Levels Sheet 1 (16041-210 C); Proposed Private Levels Sheet 2 (16041-211 D); Private Drainage Layout Sheet 1 (16041-240 C); Private Drainage Layout Sheet 2 (16041-241 C); Proposed Site Section (16-137-001); Proposed Site Plan (P003); Proposed Site Boundaries (P005); and Emec BS 5837 Arboricultural Report and Impact Assessment.
- 3 No part of the development hereby permitted shall be brought into use until the access has been constructed as per plan reference 10641-01 Rev K. These access works are proposed on land which falls outside the applicant's control, and is subject to the provisions of the Highways Act 1980. To be able to carry out these works on the Public Highway the applicant will need to enter in a S278 legal agreement with the County Council as Highway Authority.
- 4 Prior to occupation, details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage should be submitted to and approved in writing by the Local Planning Authority, under a S106 Agreement. The private road and drainage

shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established.

- 5 No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with plan reference 10641-01 Rev K. 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 the access drive and internal access drives/ parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 7 No part of the development hereby permitted shall be brought into use until the access driveway and internal access driveways/ parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. 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. 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 Prior to any above ground works commencing on site there shall be submitted to and approved in writing by the Local Planning Authority full details of both soft and hard landscape works. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways, and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 10 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 9, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 11 No above ground construction works shall commence until samples of the proposed materials to be used in the external construction of the development have been submitted to, and approved in writing by, the Local Planning

Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.

- 12 Prior to the development hereby approved commencing (including site preparation) a tree protection plan and an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority, which shall include: (i) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers; (ii) Arboricultural Method Statement: to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated; and (iii) Details of any special engineering works and surfacing required near trees; in accordance with BS5837:2012.
- 13 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 14 In the event that remediation is required to render the development suitable for use, the remediation scheme approved pursuant to condition 13 shall be implemented strictly in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.
- 15 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.
- 16 Prior to any above ground works commencing 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.

## Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of Highway Safety.
- 4 To ensure that the road infrastructure is maintained to an appropriate standard.
- 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 ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 10 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 11 To ensure a satisfactory standard of external appearance.
- 12 To ensure a satisfactory development in accordance with Policy LPD 18.
- 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 LPD6 and LPD7.
- 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 LPD6 and LPD7.
- 15 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).
- 16 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning



## **Reasons for Decision**

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

## **Notes to Applicant**

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

S278 Agreement - In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have / no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Daniel Sullivan on 0115 9773991 for details.

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

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

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

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details

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

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address adverse impacts identified by officers to address concerns in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (March 2012).

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

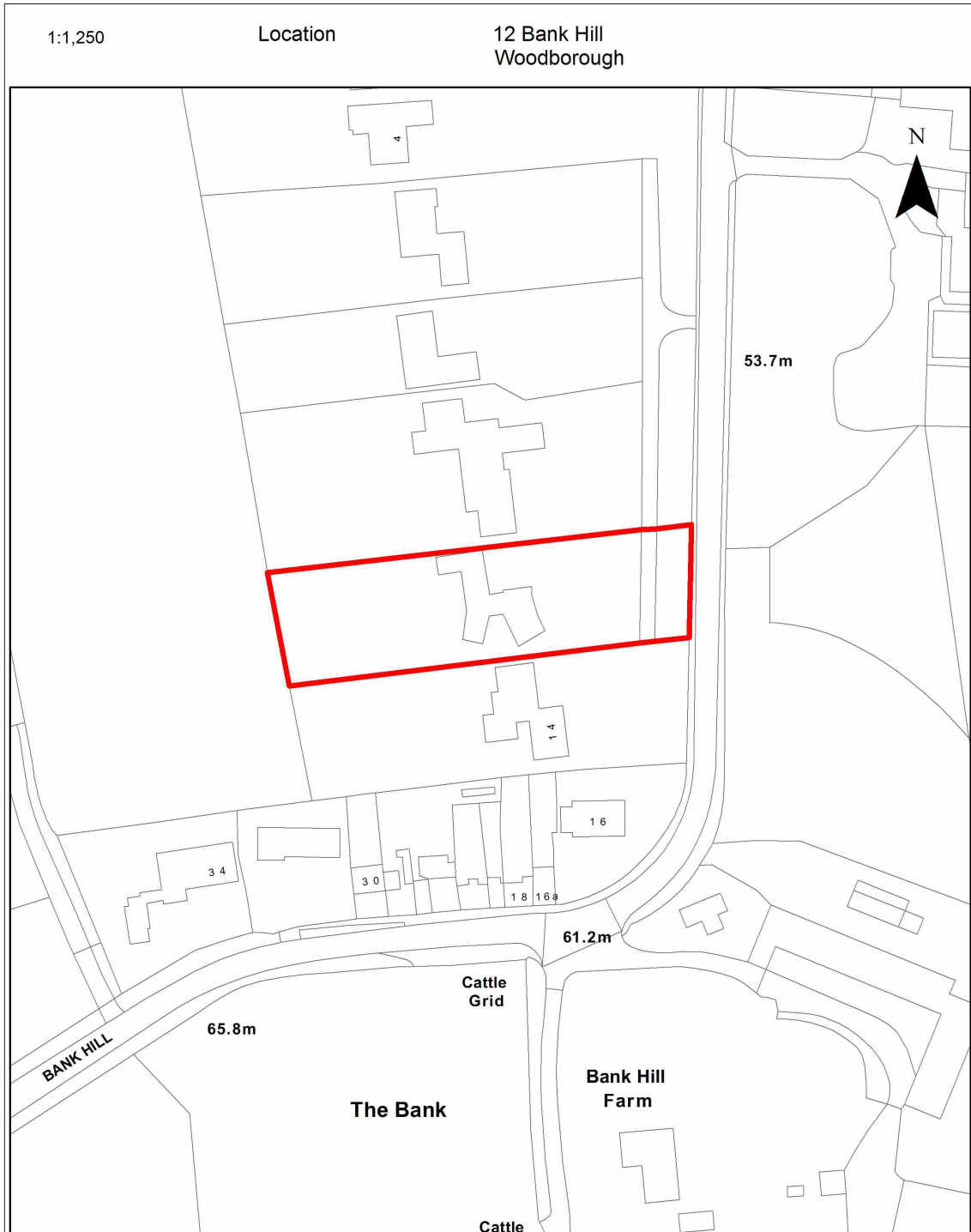
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal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

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).

Date Recommended: 18th September 2018



**Planning Report for 2018/0628**



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.



Date: 19/09/2018

## Report to Planning Committee

<b>Application Number:</b>	<b>2018/0628</b>
<b>Location:</b>	<b>12 Bank Hill Woodborough</b>
<b>Proposal:</b>	<b>Replacement dwelling (resubmission of 2018/0026).</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs Quincey</b>
<b>Agent:</b>	<b>John Morris Architects</b>
<b>Case Officer:</b>	<b>Helen Johnson</b>

### 1.0 Site Description

**This application is referred to Planning Committee at the request of the Planning Delegation Panel and following a review of the Acting Chief Executive.**

#### 1.0 Site Description

- 1.1 The site lies within the village infill boundary of Woodborough, inside the Green Belt and adjacent to the Woodborough Conservation Area which runs alongside Bank Hill.
- 1.2 The site is set back from Bank Hill and accessed via a private road which runs parallel to Bank Hill and serves six dwellings. There are mature trees to the frontage with Bank Hill which are protected by a Tree Preservation Order.
- 1.3 The site currently comprises a detached single storey dwelling, with an element of accommodation at first floor level, set within a spacious plot with generous amenity space to the front and rear. The property benefits from off street parking provision to the front of the site.
- 1.4 The site is bound to the south by No. 14 Bank Hill, a detached two storey dwelling which has recently been altered and extended at first floor level with a contemporary appearance and to the north by No. 10 Bank Hill, a large detached single storey dwelling similar in design to the existing property and the remaining neighbouring properties (Nos 4, 6 and 8 Bank Hill). To the west beyond the rear garden is open countryside.

#### 2.0 Relevant Planning History

- 2.1 There has been one recent planning application:

2.2 Application reference 2018/0026 for a replacement dwelling was granted permission on 29<sup>th</sup> March 2018. The current application is a resubmission following this permission, primarily to change the design of the roof from pitched to flat.

### **3.0 Proposed Development**

3.1 The application seeks permission for the demolition of the existing dwelling and replacement with a new four bed dwelling. The proposed dwelling would be two storeys in height reducing to single storey at its northern elevation, comprising a garage, swimming pool and gym. The scheme would involve the creation of a terrace at ground floor level to the rear together with alterations to the frontage of the site to accommodate car parking.

### **4.0 Consultations**

4.1 Gedling Borough Council Conservation Officer – ‘In terms of this resubmission and its location adjacent to the Woodborough Conservation Area nothing has changed in the immediate context and potential impact upon the Conservation Area that this development would have. I therefore refer to my initial comments relating to the first scheme submitted prior to its amendment since this application resubmits the flat roofed scheme initially proposed under 2018/0026 before it was amended. I do not accept that the contemporary building approved to the south west at Bank Hill farm sets a precedent in this case since Bank Hill is located in open countryside well outside the Woodborough Conservation Area and where the site circumstances are different. In particular, 12 Bank Hill (This application) is part of a street scene within the village envelope and not an isolated dwelling in open countryside. There is a duty to consider the immediate setting, character and appearance of the Woodborough Conservation Area and this has not changed. My comments for GBC reference 2018/0026 dated 28.2.2018 are relevant and still stand and I recommend refusal.’

4.1.1 Original comments made in relation to the previous application reference 2018/0026 conclude:

4.1.2 ‘Were the proposed building to be erected it would dominate the location and provide a conspicuous building in views from the road that would harm the setting of the Conservation Area given its proposed design and use of materials. The architectural style and design is alien in its location to the existing character and the proposal would result in a permanent structure that would be at odds with the area.

4.1.3 I find the proposed dwelling does not meet the aims of preserving or enhancing the setting of the Woodborough Conservation Area and in view of the policy guidance set out in the NPPF and Historic England Guidance on the setting of Heritage assets, LPD 28 conservation areas section C) the application is recommended for refusal.’

- 4.2 Woodborough Parish Council – The increase in floor space (unspecified) should accord with guidelines and the trees with TPOs outside the curtilage should be protected during works.
- 4.3 Letters were sent to immediate neighbouring occupiers, a site notice posted near the site and an advert placed in the local newspaper. No representations have been received in response.

## **5.0 Relevant Planning Policies**

### **5.1 National Planning Policy Framework (NPPF) 2018**

Section 2 ‘Achieving Sustainable Development’

Section 4 ‘Decision-making’

Section 12 ‘Achieving well-designed places’

Section 13 ‘Protecting Green Belt land’

Section 16 ‘Conserving and enhancing the historic environment’

### **5.2 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014**

Policy A: Presumption in Favour of Sustainable Development

A positive approach will be taken when considering development proposals reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy 1: Climate Change

All development will be expected to mitigate against and adapt to climate change with respect to sustainable design and adaption, reducing carbon dioxide emissions, decentralised energy generation and flood risk and sustainable drainage.

Policy 10: Design and Enhancing Local Identity

All new development should 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 meeting the changing needs of occupiers and the effects of climate change and reflect the need to reduce the dominance of motor vehicles. Development will be assessed in terms of its treatment of a number of specified elements.

Policy 11: The Historic Environment

Sets out the criteria that development will need to meet in order to conserve and/or enhance the historic environment and heritage assets.

### 5.3 Local Planning Document (LPD) 2018

#### Policy LPD 14 – Replacement of buildings with the Green Belt

Within the Green belt, replacement buildings will not be considered inappropriate development provided that a number of criteria are met.

#### Policy LPD 15 - Infill development within the Green Belt

Within the parts of Woodborough that are within the Green Belt and within the boundaries of previously developed sites within the Green Belt, the construction of new buildings is not inappropriate providing that a number of criteria are met.

#### Policy LPD 28 - Conservation Areas

Development proposals should preserve or enhance the character or appearance of Conservation Areas.

#### Policy LPD 32 - Amenity

Planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.

#### Policy LPD 57 - Parking Standards

Sets out the requirements with regards to parking provision for both residential and non-residential development.

#### Policy LPD 61 - Highway Safety

Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.

## 6.0 **Planning Considerations**

### Principle of the development

- 6.1 Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The NPPF attaches great importance to the Green Belt (paragraph 133). When determining planning applications, substantial weight should be given to any harm to the Green Belt and 'inappropriate development' should be approved only in 'very special circumstances'. Not all development, however, is inappropriate. The NPPF sets out at paragraph 89 specific types of development, such as the replacement of buildings and limited infill, which are not inappropriate provided they meet a number of conditions.

- 6.3 The proposal is for a replacement dwelling. Policy LPD14 states that permission will be granted for the replacement of buildings provided a number of criteria are met including that the use must be the same as existing buildings. In all cases replacement buildings must meet the criteria specified in the policy.
- 6.4 Woodborough Parish Council has made comments and considers that the increase in floorspace should accord with guidelines. However, as the proposal involves infill development within the Green Belt, it is not considered that the restriction of floorspace to no more than 50% of the originally constructed dwelling should apply in this instance and rather the criteria outlined within Policy LPD 15 of the Local Planning Document should be used to assess the acceptability of the proposed replacement dwelling.
- 6.5 The application site lies within the infill boundary of Woodborough and as such Policy LPD 15 of the Local Planning Document states that for those parts of Woodborough that are within the Green Belt and within the boundaries of previously developed sites within the Green Belt, the construction of new buildings is not inappropriate provided a number of criteria are met. This policy accords with Paragraph 145 of the National Planning Policy Framework which states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions, one of these being the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposed development would not be inappropriate in accordance with LPD15 provided:
- a. the scale of development is limited;
  - b. the proposal is for the development of a gap within a village or site which is enclosed by buildings on at least two sides; the proposal is for development within the fabric of the village or a previously developed site;
  - c. the proposal does not have a detrimental impact on the openness of the Green Belt or the reasons for including land within it;
  - d. the proposal does not adversely affect valuable views into or out of or in the village or site; and
  - e. the proposal is in keeping with surrounding character in terms of height, bulk, form and general design.
- 6.6 The proposed development is therefore acceptable in principle, subject to compliance with Policy LPD 15 of the Local Planning Document and the detailed assessment of all material considerations including the impact upon the character and appearance of the area, residential amenity and highways matters.

#### Design and the impact upon visual amenity

- 6.7 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and



helps make development acceptable to communities (Paragraph 124). Planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, and establish or maintain a strong sense of place (Paragraph 127).

- 6.8 The proposed replacement dwelling is contemporary in its design comprising interlinked two and single storey box shaped flat roofed elements with a modern finish utilising large format rain screen cladding, concrete panels and glazing. I note that the flat roof design proposed would reduce the height of the replacement dwelling. Whilst the adjacent property No. 14 Bank Hill is modern in its appearance has a flat roof element, this is single storey and the main two storey roof is of pitched design which is in keeping with the established roof form of dwellings within this row.
- 6.9 It is considered that the previously approved main pitched roof design of the replacement dwelling took design cues from development in the immediate vicinity, comprising detailing which offered relief and softened the appearance of the principle elevation, and as such the proposal would assimilate into its surroundings. In contrast, the flat roof box design of the proposed dwelling would result in a development which would appear incongruous in this location and as such would fail to take the opportunity available for improving the character and quality of the area and the way it functions (Paragraph 130 of the National Planning Policy Framework). Policy 10 of the Aligned Core Strategy also requires all new development to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics whilst Policy LPD 15 of the Local Planning Document states that infill development within the Green Belt, comprising the construction of new buildings, would be inappropriate if the proposal is not in keeping with the surrounding character in terms of height, bulk, form and general design.
- 6.10 Paragraph 130 of the National Planning Policy Framework also states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion. Whilst this application is a resubmission rather than a variation of condition of the original consent it seeks permission for a design that was submitted originally before amendments were negotiated to secure a development which would function well whilst being sympathetic to the surrounding built environment.
- 6.11 The proposed development would incorporate a number of sustainability measures in accordance with Aligned Core Strategy Policy 1 and this is afforded weight, however the National Planning Policy Framework is clear in its direction that great weight should only be given to innovative design and high levels of sustainability so long as they fit in with the overall form and layout of their surroundings (Paragraph 131). The flat roof design would also result in the proposed photovoltaic panels appearing proud and prominent above finished roof level.

- 6.12 For these reasons it is considered that due to the design of the proposed replacement dwelling, the development would fail to respect the established character, form and design of dwellings in the immediate vicinity, contrary to National, Regional and Local Policies.

#### Impact upon the Conservation Area

- 6.13 The site is located adjacent to the Woodborough Conservation Area, which runs alongside the private access road parallel to Bank Hill.
- 6.14 The Conservation Officer has been consulted and he comments that the established character and appearance of the area adjacent to the Conservation Area is one of large, predominantly single storey gabled roofed dwellings located within large mature garden plots with mature hedgerows and trees. The Conservation Area is experienced in views from the application site and the character of the buildings and plots adjacent along Bank Hill also offer views to the Conservation Area.
- 6.15 The Conservation Officer raises an objection to the scheme considering that whilst a contemporary design may be appropriate in this location, the design of the proposed replacement dwelling and pallet of materials would not accord with the existing special architectural and historic interest of the Conservation Area which is predominantly two storey gabled buildings with pitched roofs utilising natural clay tiles and brickwork. The proposal would result in an alien form that would not complement or respect the existing character of the streetscene or wider area and as such would fail to the complement or respect the setting of the Woodborough Conservation Area as a designated heritage asset, causing substantial harm.
- 6.16 I note that the proposed materials have been considered acceptable previously, subject to a safeguarding condition requiring further details to be submitted to the local planning authority. However, it is considered that the proposed flat roofed, box design of the replacement dwelling would result in a prominent form of development within the streetscene which would serve to highlight the difference in the materials proposed.
- 6.17 The application documentation draws attention to a contemporary building that has been approved to the south west at Bank Hill. However, this site enjoys a very different context to the application site. The approved dwelling is reasonably isolated and not viewed, as the application site is, within an established streetscene, allowing greater flexibility in terms of design. It was therefore considered that that development would not have an adverse impact upon the village's character or appearance.
- 6.18 The proposal involves a replacement dwelling and it is not considered that there are any public benefits which would outweigh the harm to the setting of the designated heritage asset.
- 6.19 For the reasons outlined above, it is considered that the proposed development would fail to preserve or enhance the setting of the Woodborough Conservation Area contrary to Paragraphs 192 & 193 of the

National Planning Policy Framework, Policy 11 of the Aligned Core Strategy and Policy LPD 28 of the Local Planning Document.

Impact upon residential amenity

- 6.20 In terms of the impact on the living conditions of neighbouring property occupiers, there are no openings proposed at ground floor level within the northern elevation, facing No. 10 Bank Hill whilst the opening at first floor level within this side facing elevation would be high level, and as such would prevent views into the neighbouring property. There is an opening proposed at ground floor level to the southern elevation, facing No. 14 Bank Hill. Given the positioning of this opening at ground floor level and the additional planting that is proposed to this shared boundary, it is not considered that this element of the scheme would result in an unacceptable level of overlooking or loss of privacy.
- 6.21 Due to the design of the balconies proposed to the rear elevation, there would be no loss of privacy for the adjacent property occupiers whilst the proposed balcony at first floor level to the front elevation, serving a bedroom, would overlook the private access road and neighbouring amenity space which is already visible from public vantage points, resulting in no greater impact.
- 6.22 There is an opening within the side elevation of No. 10 Bank Hill serving a room which benefits from an additional rear facing window and I note that the single storey element of the scheme is sited to the northern elevation. For these reasons it is considered that the proposed development is unlikely to result in an unacceptable overbearing impact or loss of light to this neighbouring habitable room.
- 6.23 Having regards to the scale of the development to the shared boundaries, together with the proposed front and rear building lines and relationship with the built form of the adjacent properties, it is not considered that the replacement dwelling would give rise to an overbearing or overshadowing impact or loss of light to neighbouring rooms or immediate private amenity space.
- 6.24 It is considered that the proposed replacement dwelling would provide a good standard of accommodation for future occupiers.
- 6.25 For these reasons it is considered that the development accords with Policy LPD 32 of the Local Planning Document.

Impact upon trees

- 6.26 Given the separation distance with the trees that are protected to the frontage of the site together with the nature and extent of the proposed development it is not considered that the scheme would have a detrimental impact upon these trees.
- 6.27 Whilst the development would result in some loss to existing vegetation and trees within the site it is not considered that these are worthy of retention. I note that the scheme proposes some additional planting within the site.

### Highways matters

- 6.28 The proposed development makes provision for three off street car parking spaces, comprising two spaces to the front of the site and one space within a garage. As such, the proposal accords with the parking standards for residential development of this scale within rural areas as required by Policy LPD 57 of the Local Planning Document.
- 6.29 The scheme utilises the existing private access road from Bank Hill and involves the replacement of one dwelling. As such it is not considered that the proposal would result in a significant material increase in movements to and from the site. For these reasons I am satisfied that there would be no detriment caused to highway safety in accordance with Policy LPD 61 of the Local Planning Document.

### Other matters

- 6.30 The proposed dwelling would be of modern construction in terms of its design and materials, with the provision of photovoltaic panels to the flat roof. The scheme would therefore accord with the objectives of Policy 1 of the Aligned Core Strategy.
- 6.31 Given the scale and location of the site, it is not considered that a safeguarding condition in relation to the appearance of the site post demolition and prior to redevelopment commencing would be necessary.

## **7.0 Conclusion**

- 7.1 For the reasons outlined above it is not considered that the proposed development would cause material harm to the living conditions of future or neighbouring property occupiers and there would be no detriment to highway safety or protected trees in the vicinity of the site. However, due to the design of the proposed replacement dwelling comprising a flat roof, box design which is out of keeping with the prevailing pitched roof design of neighbouring properties within the immediate vicinity the scheme would result in an incongruous development which would cause harm to the character and appearance of the streetscene and the setting of the adjacent Woodborough Conservation Area. As such, the proposal is contrary to Paragraphs 124, 127, 130, 131, 192 & 193 of the National Planning Policy Framework, Policies 10 & 11 of the Aligned Core Strategy and Policies LPD14, LPD15 & LPD28 of the Local Planning Document.

## **8.0 Recommendation: Refuse Planning Permission** for the following reason:-

### **Reason**

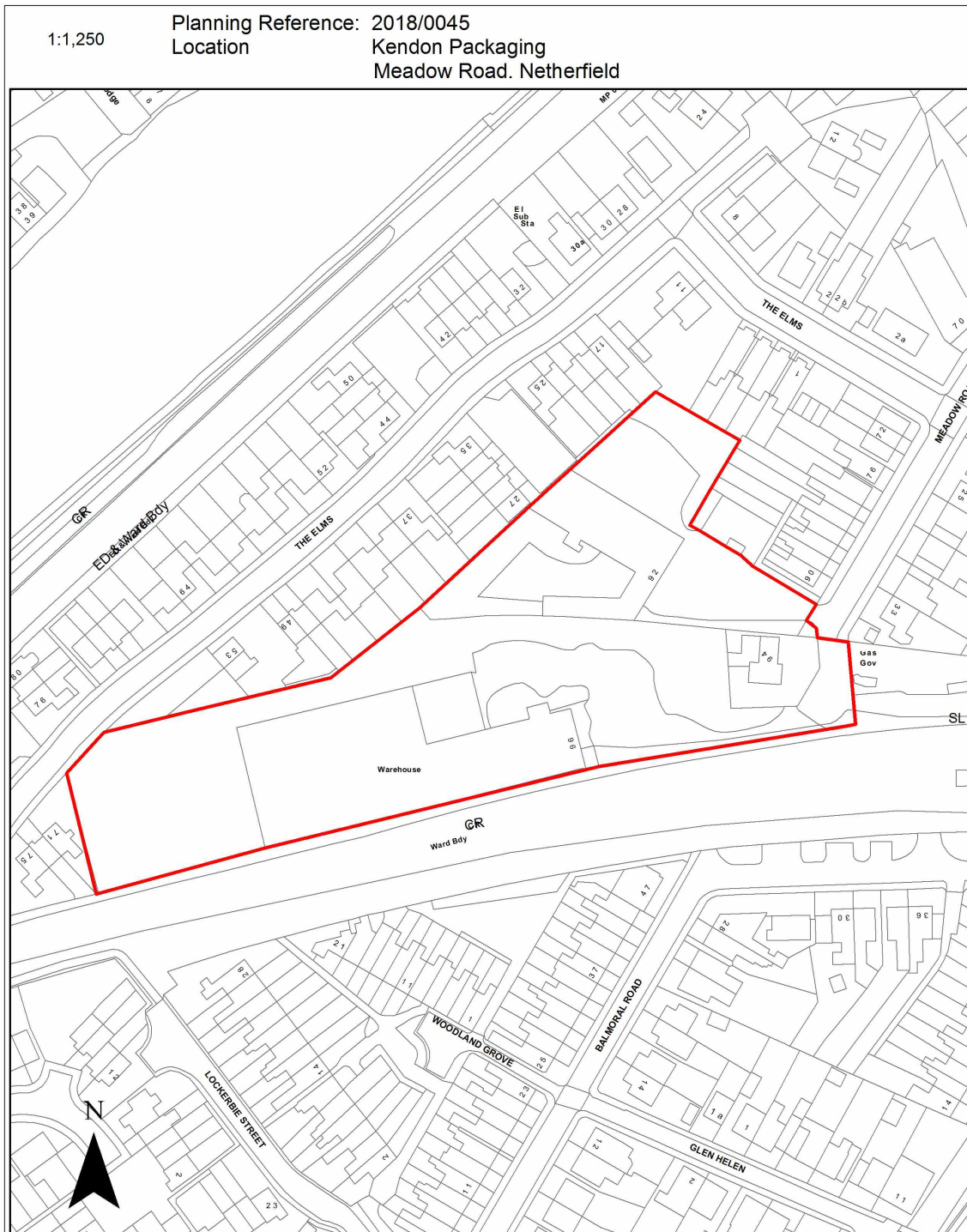
- 1 The proposed replacement dwelling, by virtue of its design, would result in an incongruous development, out of keeping with the prevailing character and appearance of neighbouring properties, causing harm to the streetscene and setting of the adjacent Woodborough Conservation Area as a designated heritage asset, contrary to Paragraphs 124, 127, 130, 131, 192 & 193 of the

National Planning Policy Framework, Policies 10 & 11 of the Aligned Core Strategy and Policies LPD14, LPD15 & LPD28 of the Local Planning Document.

This page is intentionally left blank



**Planning Report for 2018/0045**



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: 21/09/2018

## Report to Planning Committee

<b>Application Number:</b>	<b>2018/0045</b>
<b>Location:</b>	<b>Kendon Packaging Ltd Meadow Road Netherfield</b>
<b>Proposal:</b>	<b>Outline planning application for up to 40 No. dwellings with all matters reserved except access.</b>
<b>Applicant:</b>	<b>Kendon Packaging Group PLC</b>
<b>Agent:</b>	<b>Planning And Design Group (UK) Ltd</b>
<b>Case Officer:</b>	<b>Graham Wraight</b>

### **1.0 Background**

- 1.1 On Wednesday 13<sup>th</sup> June 2018 the Planning Committee resolved to Grant Outline Planning Permission for up to 40 No. dwellings with the matter of Access approved: 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 Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the original Officer report.
- 1.2 The application is referred back to Planning Committee as an amended red line site plan has been submitted which reduces the site area from 1.05 hectares to 1.042 hectares. The Access Layout Plan has also been amended to reflect this change.
- 1.3 This amendment is to address an error on the original red line which included land that appears to be part of the rear garden area of an adjacent dwelling. It is understood that the Agent became aware of this matter during the drafting of the required Section 106 Agreement.
- 1.4 This report considers the planning policy position in light of the adoption of the Local Planning Document on 18<sup>th</sup> July 2018 and the implications of the amended red line on the proposed development.

### **2.0 Planning Policy Position**

- 2.1 The report to the 13<sup>th</sup> June 2018 Planning Committee set out the relevant policies in the determination of the outline planning application.



- 2.2 On 24<sup>th</sup> July 2018 the National Planning Policy Framework was revised.
- 2.3 On 18<sup>th</sup> July 2018 the Local Planning Document was adopted by the Borough Council. As a result Local Planning Documents policies are now to be given full weight.
- 2.4 It is noted that some policies have been renumbered in the adopted Local Planning Document. The policies in question are:
- LPD 40: Housing Development on Unallocated Site (previously LPD 39)
  - LPD 48: Local Labour Agreements (previously LPD 47)
- 2.5 The policies of the Replacement Local Plan 2005 are no longer Saved and have no weight in the decision making process.
- 2.6 It is not considered that the changes to the planning policy position as outlined above has any material impact upon the assessment and conclusions outlined in the Officer report to the 13<sup>th</sup> June 2018 Planning Committee. This report is provided in full at Section 5.0.

### **3.0 Amended Red Line**

- 3.1 The amended red line reduces the site area only and does not include any land which was not previously considered by the Planning Committee on 13<sup>th</sup> June 2018.
- 3.2 The reduction in site area is 0.008 hectares. It is not considered that this reduction materially affects the ability of the site to deliver up to 40 new dwellings.
- 3.3 Public consultation of the application was undertaken via the publication of a press notice, the display of site notices and by letters to neighbouring properties and the application was considered by the Planning Committee on 13<sup>th</sup> June 2018. Re-consultation has not been undertaken as the amended red line plan does not materially alter the size or character of the proposed development.
- 3.4 It is not considered that any party is prejudiced by the reduction in the site area, nor would the impact of the proposed development be materially different upon any party as a result.

### **4.0 Recommendation**

- 4.1 **Grant Outline Planning Permission with the matter of Access approved: 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 Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the report to the 13<sup>th</sup> June 2018 Planning Committee, except where amended as follows:**

Condition 3

This permission shall be read in accordance with the Flood Risk Assessment, RSE\_950-02V1 received by the Local Planning Authority on 16th January 2018, the site location plan (Revision A) received on 16th July 2018 and the Access Layout Plan, drawing ADC1606-DR-001 Rev P2 received on 18th September 2018

## **5.0 Officer Report to the 13th June 2018 Planning Committee**

### **RECOMMENDATION SHEET**

**Planning Committee**      **13th June 2018**

**Application No:**      2018/0045

**Location:**      Kendon Packaging Ltd Meadow Road

**Proposal:**      Outline planning application for up to 40 No. dwellings with all matters reserved except access.

### **1.0 Site Description**

- 1.1 The site is located at the southern end of Meadow Road, Netherfield and currently accommodates two employment buildings, one a traditional brick built building and the other a more modern industrial style unit. In addition, a dwelling which is understood to be a former Station Master's House is located on the site.
- 1.2 A railway line runs along the entire of the southern site boundary with the remaining boundaries being shared with residential properties, with the exception of part of the eastern boundary which is adjoins land associated with the railway.
- 1.3 At the present time the modern industrial unit and Station Master's House are vacant but the brick industrial building is occupied. The site has a predominantly industrial appearance in keeping with its most recent use.
- 1.4 The site is located within Flood Risk Zone 3. However the Greater Nottingham Strategic Flood Risk Assessment (September 2017) confirms that it benefits from flood defences which place it at low risk of flooding.

### **2.0 Relevant Planning History**

- 2.1 None.

### **3.0 Proposed Development**

- 3.1 The application is submitted in outline form and seeks approval for the erection of up to 40 dwellings and for the approval of the access to the site. The former Station Master's House would be retained on the site but all other buildings demolished. The matters of appearance, scale, layout and landscaping have been reserved for later consideration.
- 3.2 A drawing has been submitted which shows how the site would be accessed from Meadow Road, this being the sole access point proposed. In addition, an indicative plan has been submitted showing how a residential development could be accommodated on the site.

## **4.0 Consultations**

- 4.1 Environment Agency – no objection subject to conditions relating to flood mitigation measures and land contamination.
- 4.2 Gedling Borough Council Conservation Officer – no objection to the principle of residential development. However a Heritage Statement should be submitted with respect to the Station Master's House and the former Hosiery Factory.
- 4.3 Gedling Borough Council Economic Development – the size of the development meets the thresholds for a Local Labour Agreement
- 4.4 Gedling Borough Council Public Protection – no objection subject to conditions requiring verification that the sound insulation scheme has been installed and the submission of noise and dust management plan.
- 4.5 Gedling Borough Council Parks and Street Care – a S106 contribution is required towards off-site open space provision.
- 4.6 Gedling Borough Council Strategic Housing – 10% of dwellings should be affordable (70% social rented/30% intermediate housing).
- 4.7 Gedling Borough Council Scientific Officer – no objection subject to conditions relating to land contamination.
- 4.8 Forestry Officer – no objection subject to a tree protection condition.
- 4.9 Network Rail – object as the existing railway access point has not be accommodated and the attenuation pond is too close to the railway boundary. Recommend a number of planning conditions should permission be granted requiring details of drainage, boundary fencing, safety barriers, construction method statement, soundproofing, lighting and landscaping.
- 4.10 NHS Clinical Commissioning Group – request a S106 contribution of J21,675 towards health facilities.
- 4.11 Nottinghamshire County Council Flood Risk Team (Lead Local Flood Authority) – no objection.
- 4.12 Nottinghamshire County Council Highways – no objection subject to conditions requiring detailed drawings of the proposed road, that bound surfaces be used, that there is no drainage onto the highway and that wheel washing facilities are provided during construction. The visibility splay shown should be incorporated into the adopted footway and the entrance road may need some slight adjustments to better tie into the existing road
- 4.13 Nottinghamshire County Council Planning Policy – requests a financial contribution of J22,000 towards bus stop improvements and J103,560 towards secondary education provision.

4.14 Neighbouring Properties were notified and Site Notices and Press Notice posted and 9 representations have been received as a result. The comments can be outlined as follows: -

- Parking issues are already present on existing roads
- Highway safety concerns
- Increase in traffic
- Loss of light at existing dwellings
- Residents have not been notified
- The applicant does not own all of the planning application site
- The Station House must be retained
- Pownall's Factory should be retained and converted.
- Loss of local businesses
- Overlooking onto existing dwellings
- Only one entrance to the development
- Existing road junctions should be improved
- Retention of the Station Master's House is supported
- Design and layout matters
- Massing/overbearing impacts
- Increase in air pollution

4.15 A copy of an email between the occupier of a neighbouring property and Councillor John Clarke has been provided in which Councillor Clarke states that any buildings with a heritage link should be saved.

## **5.0 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 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).

## **6.0 Development Plan Policies**

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework – sets out the national objectives for delivering sustainable development.

6.3 Greater Nottingham Aligned Core Strategies Part 1 Local Plan:

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 4: Employment Provision and Economic Development
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment

- Policy 14: Managing Travel Demand
- Policy 15: Transport Infrastructure Priorities
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

#### 6.4 Gedling Borough Replacement Local Plan

- Saved Policy ENV1: Development Criteria
- Saved Policy ENV3: Development on Contaminated Land
- Saved Policy H7: Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes
- Saved Policy H8: Residential Density
- Saved Policy T10: Highway Design and Parking Guidelines

#### 6.5 Emerging Part 2 Local Plan

Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF. The LPD is currently being examined in accordance with paragraph 182 of the NPPF. Until the Inspector's report is published, LPD policies cannot be given significant weight. Where the LPD policies meet the requirements set out in Paragraph 216 (i.e. they have no substantive objections) they are afforded "moderate" weight. Where the LPD policies have outstanding objections, they are afforded "limited" weight.

The following LPD policies are relevant to this application (and weight given):

- LPD 3: Managing Flood Risk (moderate weight)
- LPD 7: Contaminated Land (moderate weight)
- LPD 18: Protecting and Enhancing Biodiversity (limited weight)
- LPD 21: Provision of New Open Space (moderate weight)
- LPD 26: Heritage Assets (moderate weight)
- LPD 31: Locally Important Heritage Assets (moderate weight)
- LPD 32: Amenity (moderate weight)
- LPD 33: Residential Density (moderate weight)
- LPD 35: Safe, Accessible and Inclusive Development (limited weight)
- LPD 36: Affordable Housing (limited weight)
- LPD 37: Housing Type, Size and Tenure (limited weight)
- LPD 39: Housing Development on Unallocated Sites (moderate weight)
- LPD 47: Local Labour Agreements (limited weight)
- LPD 57: Parking Standards (limited weight)
- LPD 61: Highway Safety (moderate weight)

### 7.0 Planning Considerations

#### Principle of the development

- 7.1 The site is previously developed land which is located within an urban area. Although it has most recently been in industrial use, it is positioned immediately adjacent to existing residential areas and therefore its

redevelopment for residential use is considered to be compatible with surrounding land uses.

7.2 Whilst it is noted that the site does currently sustain a reduced level of employment use, it is not located within a protected employment site designation on the adopted Gedling Borough Local Plan Proposals Map 2005 or on the emerging LPD Policies Map Publication Draft (May 2016). Furthermore, the Strategic Housing Land Availability Assessment (SHLAA) 2017 identified the site as being developable for housing.

7.3 Given that the site is not protected for employment uses and that the existing premises do not appear to be attractive for ongoing employment use, it is considered that the loss of the employment buildings does not compromise the objectives of the relevant national and local planning policies. The principle of residential development is therefore considered to be acceptable.

#### 7.4 Proposed Density

It is noted that the indicative plan submitted is unclear in terms of the number of dwellings it shows although it is accepted that the number proposed could be delivered by the provision of smaller units such as flats and maisonettes. Furthermore, the SHLAA identified the site as having potential for 35 units. Having considered the potential constraints of the site and its character in further depth, it is considered that the figure of up to 40 dwellings is reasonable. As the site is 1.05 hectares, this would meet with the objectives of Saved Policy H8 and Emerging Policy LPD33.

#### Impact upon visual amenity

7.5 As appearance and scale are reserved for later consideration the impact upon visual amenity does not fall to be considered at the present time. It is considered however that a scheme could be presented that would be visually appropriate within the surrounding area and would meet with the relevant planning policies.

#### Impact upon residential amenity

7.6 As the matters of appearance, scale and layout have been reserved for later consideration it is not possible to make a detailed assessment of the impact that the development would have on the adjacent dwellings. However, it is considered that up to 40 dwellings could be accommodated on this site in a manner that would not cause harm to the amenities presently enjoyed by the occupiers of the adjoining dwellings.

7.7 Subject to the implementation of the sound insulation scheme outlined within the submitted Noise Impact Assessment, Public Protection considers that development in this location and in proximity to the adjacent railway line would provide an acceptable level of amenity. Subject to an appropriate design and layout, it is also considered that a scheme can be developed that would provide an acceptable living environment.

- 7.8 It is noted that objections have been received on the ground of traffic movements along Meadow Road from the proposed development. However, given that the existing use of the site is for industrial purposes where frequent visits of larger vehicles could be expected, it is not considered that the level of traffic movements generated by the proposed development would cause any undue harm to residential amenity.

#### Highway matters

- 7.9 A drawing (ADC1606-DR-001 P1) has been submitted for approval which shows the proposed access point of the site onto Meadow Road. The Highway Authority has raised no objection to the access point shown although they have outlined a couple of minor points in terms of requiring the visibility splay to form part of the adoptable footway and that the alignment of the proposed internal road near the entrance road may need some slight adjustments to better tie into the existing road. It is considered that this can be addressed at reserved matters stage. Accordingly, it is considered that that adequate details have been provided to allow for approval of the matter of access.
- 7.10 An objection has been raised by a member of the public on the ground that there should be more than one access point to the site however as the Highway Authority have not requested such provision it is not considered reasonable or necessary to require a second access point. The Highway Authority has also not advised that any alterations to the existing highway network are required and they have not raised concerns with respect to parking matters.

#### Impact upon protected species

- 7.11 The Ecological Assessment makes recommendations that additional bat (nocturnal bat emergence surveys or dawn swarming surveys) and a badger survey are undertaken. It is considered these matters could be addressed by planning conditions on the outline planning permission requiring details to be submitted in conjunction with the subsequent reserved matters application(s).

#### Flood risk

- 7.12 The site is located within Flood Risk Zone 3 and a Flood Risk Assessment has been submitted. Consultation has been undertaken with the Environment Agency who do not object subject to a condition securing flood mitigation measures. It is not considered that the requirements of the Environment Agency would constrain the proposal to develop the site for up to 40 dwellings.
- 7.13 Residential developments within Flood Zone 3 would usually be required to demonstrate that there are no sequentially preferable sites available on which the development could take place in order to meet with the objectives of the National Planning Policy Framework. However, in this instance, it is noted that the site falls in an area of low risk when the Greater Nottingham Strategic Flood Risk Assessment (September 2017) is considered. Furthermore, the National Planning Policy Framework (paragraph 101) is clear that a Strategic

Flood Risk Assessment will provide the basis for applying a sequential test. Therefore, given the site is considered to be of low flood risk under the Strategic Flood Risk Assessment, it is not necessary to require that a sequential test be undertaken.

- 7.14 It is noted that part of the site would be at risk of flooding in a flood defence breach scenario, however given that the Environment Agency considers that any such flood risk concerns can be successfully overcome through mitigation measures, it is considered that it would not be reasonable to refuse planning permission on flood risk grounds.
- 7.15 In light of the above considerations it is therefore considered that flood risk matters have been adequately addressed.

#### Heritage considerations

- 7.16 The site contains two buildings which has been identified by the Conservation Officer as being of heritage interest; the former Station Masters House which is to be retained and a former hosiery factory building that is proposed to be demolished. Representations have been received from members of the public that both buildings should be retained and the Conservation Officer has requested that a Heritage Statement be provided. A statement has been submitted which addresses only the hosiery factory, which is considered reasonable given that it is not intended to demolish the former Station Master's House.
- 7.17 The Heritage Statement assesses the historic context of the hosiery factory which is believed to date from the late 19<sup>th</sup> Century. It considers that the location of the factory was likely to have been linked to the location of the railway but that it does not appear to have formed a contingent or adjoining part of Nottingham's wider hosiery operational locations or surrounding manufacturing activity. The statement also notes that the building is in a poor condition but accepts that it is still used for commercial purposes.
- 7.18 The hosiery factory is not a listed building nor is it in a conservation area. It also is not identified or protected as local heritage asset. The Heritage Statement concludes that the building has low to negligible significance and that this factor together with its non-designated status means that it should be assessed as part of the wider planning balance as set out in paragraph 135 of the National Planning Policy Framework. Paragraph 135 requires that a balanced judgement be made having regard to the scale of any harm or loss and the significance of a non-designated heritage asset. The Heritage Statement also identifies a number of factors that weigh in favour of the proposed redevelopment of this site, including the provision of new market and affordable housing in a sustainable urban location.
- 7.19 On balance, it is not considered that the hosiery factory, in the context of its historical interest, its location and its general scale and design is not of such significance to warrant a requirement that it be retained as part of the redevelopment of the site or to substantiate a reason for refusing planning permission. It is also considered that in the planning balance the potential to deliver new housing in this sustainable location and in a comprehensive



manner outweighs the benefits of retaining the hosiery factory building on the site. Accordingly, the loss of the hosiery building as part of this development is considered to be acceptable in planning terms.

#### Other matters

- 7.20 Concern has been raised by members of the public that insufficient consultation has been undertaken in respect of the planning application. Neighbouring properties immediately adjoining the site were notified by post. In addition 3 site notices were displayed and a press notice was published. This meets with the legislative requirements set out in the Development Management Procedure Order and is considered to be proportionate to the scale of the development proposed. It is noted that the applicant does not own the entire site however they have certified that they have served the appropriate notices on the owners which again meets with the relevant legislative requirements.
- 7.22 Network Rail have made specific comments on access arrangements to their land and on the positioning of a drainage pond shown on the indicative plan submitted, however both of these concerns can be addressed at reserved matters stage. They have also raised a number of points with respect to the proximity of the site to the railway however this can be addressed by attaching a note to applicant. The Council's Scientific Officer has not raised a concern with respect to the impact that the development would have upon air quality.

#### **Planning Obligations**

- 8.0 The development proposed would require that the following planning obligations be met:
- 10% on site affordable housing (70% social rented/30% intermediate) in accordance with the adopted Affordable Housing Supplementary Planning Document 2009
  - Contribution (which based upon 40 dwellings and a site area of 1.05 hectare would be J65,690.10) towards the improvement, and on-going maintenance, of existing provision of open space/recreation facilities within a radius of 2km from the centre of the development, in accordance with the Open Space Supplementary Planning Document 2001
  - Local Labour Agreement to meet with the requirements of LPD Policy 47
  - J21,675 for health facilities as requested by the NHS
  - J103, 560 for the provision of 6 secondary school places in the Carlton le Willows catchment area.

These obligations would need to be secured by way of a S106 Planning Obligation which shall be completed prior to determination of the planning application. It is considered that all of the above obligations meets with the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010

- 8.1 It is noted Nottinghamshire County Council requested a sum of J22,000 towards bus stop improvements to two existing bus stops on Meadow Road (in the vicinity of Knight Street). At the present time these bus stops consist of

single poles with no interactive displays or shelters however it is not considered that the proposed development of up to 40 dwellings would justify a financial contribution towards upgrading the bus stops. Therefore the three tests set out on Section 122 of The Community Infrastructure Levy Regulations 2010 (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development) would not be met by this request.

## **8.0 Conclusion**

The proposed redevelopment of the site for residential use is considered to be acceptable in principle and it is considered that residential density of up to 40 dwellings could reasonably be achieved. It is not considered that the proposal would cause harm to visual or residential amenity, subject to a detailed consideration at reserved matters stage. The proposal is considered to be acceptable in highway safety terms and is acceptable with respect to ecological, flood risk and heritage matters.

It is therefore considered that the proposal meets with the objectives and relevant policies of the National Planning Policy Framework, the Aligned Core Strategy, the Replacement Local Plan and the Emerging Local Plan.

## **9.0 Recommendation:**

- 9.1 Grant Outline Planning Permission with the matter of Access approved: 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 Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.**

### **Conditions**

- 1 Approval of the details of layout, scale parameters, 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 This permission shall be read in accordance with the Site Location Plan and Access Layout Plan, drawing ADC1606-DR-001 Rev P1, and the Flood Risk Assessment, RSE\_950-02V1 received by the Local Planning Authority on 16th January 2018.
- 4 Prior to first occupation of the development and with reference to Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018), verification that the approved sound insulation scheme has been

implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

- 5 Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The noise management part of the plan should make reference to the submitted Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018). The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice - Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders The approved Noise and Dust Management Plan shall be implemented throughout the construction and demolition works undertaken on site.
- 6 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; an 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 following the site characterisation assessment, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

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.

- 7 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 set out in Condition 6 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.
- 8 No part of the development hereby permitted shall commence 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, street lighting, Traffic Regulation Orders, 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
- 9 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.
- 10 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.
- 11 No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times during the construction of the development 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.
- 12 No development shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
  - b) Details of a tree protection scheme in accordance with BS5837:2012:which provides for the retention and protection of trees, shrubs and hedges adjacent to the site.
  - c) Details of any construction works required within the root protection area of trees, hedges or shrubs adjacent to the site, as defined by BS5837:2012.
  - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement
- 13 Prior to the submission of any reserved matters application, a nocturnal bat emergence or dawn swarming survey and a badger monitoring survey, in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal and Bat Building Assessment (RSE\_950\_01\_V1) shall be undertaken and submitted to the Local Planning Authority.
- 14 No development shall commence until 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, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

## 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 define the permission, for the avoidance of doubt.
- 4 To protect the amenity of the occupiers of the approved dwellings.
- 5 To protect the amenities of the occupiers of adjacent dwellings.
- 6 To ensure that land contamination matters are fully addressed.
- 7 To ensure that land contamination matters are fully addressed.
- 8 In the interests of Highway safety.
- 9 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 10 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

- 11 In the interests of Highway safety.
- 12 To ensure that existing trees on adjacent land are adequately protected.
- 13 To ensure that ecological interests are adequately protected.
- 14 To ensure that the surface water drainage scheme is appropriate to meet the needs of the site and the approved development.

### **Reasons for Decision**

The proposed redevelopment of the site for residential use is considered to be acceptable in principle and it is considered that residential density of up to 40 dwellings could reasonably be achieved. It is not considered that the proposal would cause harm to visual or residential amenity, subject to a detailed consideration at reserved matters stage. The proposal is considered to be acceptable in highway safety terms and is acceptable with respect to ecological, flood risk and heritage matters. It is therefore considered that the proposal meets with the objectives and relevant policies of the National Planning Policy Framework, the Aligned Core Strategy, the Replacement Local Plan and the Emerging Local Plan.

### **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, 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.

#### Construction & Demolition Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

#### Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -  
Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800) Saturday: 0830-1700 (noisy operations restricted to 0900-1300) Sunday: at no time Bank Holidays: at no time Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972)

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers. Dust/Grit and Other Fugitive Emissions Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality. Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate measures include;-Flexible plastic sheeting Water sprays /damping down of spoil and demolition waste Wheel washing. Periodic road cleaning.

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

The comments of the Local Lead Flood Authority are attached.

The comments of Network Rail are attached.

The comments of the Environment Agency with regard to finished floor levels and flood resilience measures are attached.

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.





## Report to Planning Committee

**Location: 6 Shelt Hill, Woodborough, Nottinghamshire, NG14 6DF**

**Proposal: Protection of a Yew tree by a Tree Preservation Order (TPO)**

**Case Officer: Lewis Widdowson**

### **1.0 Site Description**

1.1 6 Shelt Hill Woodborough is a detached property located in the Woodborough Conservation Area. A Yew tree and a Holly tree are situated in the front garden behind a stone wall adjacent to the highway. The Yew tree is very prominent due to its size and significant amenity value within the local street scene. While the Holly tree is clearly visible, it has low amenity value.

### **2.0 Relevant History**

2.1 Trees in a conservation area that are not protected by an existing Tree Preservation Order (TPO) are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.

2.2 The Borough Council received notice under Section 211 of the Town and Country Planning Act 1990 on the 11<sup>th</sup> April 2018 advising that the owner of the property intends to fell the Holly tree and Yew tree. The Forestry Officer and I had no objection to the removal of the Holly tree as this clearly does not warrant protection by a TPO. Given the significance of the Yew tree, the Forestry Officer was instructed to inspect the tree.

2.3 The Forestry Officer inspected the tree on the 25<sup>th</sup> April 2018. An evaluation of the tree was undertaken to determine whether or not the trees would be worthy of protection by a TPO using the Tree Evaluation Method for Preservation Orders (TEMPO), which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.

2.4 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.

- I. Condition and suitability for TPO: 5/5
- II. Retention span (in years) & suitability for TPO: 4/5
- III. Relative public visibility & suitability for TPO: 4/5

#### IV. Other factors: 4/5

- 2.5 Part 2 of the assessment measures the likely threat of any immediate danger to the tree with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the tree due to the submission of a notification to fell, a score of 2/5 was therefore deemed appropriate.
- 2.6 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the Yew tree scored a cumulative total of 19/25.
- 2.7 This assessment gives significant weight to my view that the Yew tree is a good specimen and has significant amenity value within the street-scene. It was therefore considered to be expedient to make the Yew tree subject to a TPO pursuant to section 198 of the Town and Country Planning Act 1990.
- 2.8 As detailed above, the work may proceed after 6 weeks, if a TPO is not made. The notification period ended on the 23 May 2018 and therefore it was not possible to seek authorisation from Planning Committee, prior to making the TPO. The constitution does however authorise a Director after consultation with the Chair or Vice Chair to approve the making of TPO's. The Chairman of Planning Committee raised no objection when consulted on the 18th May 2018. The authority to make the TPO was subsequently approved by the Chief Executive/Corporate Director.

#### **3.0 Proposed Action**

- 3.1 Authorisation is sought to confirm Tree Preservation Order ref: 000110 "6 Shelt Hill, Woodborough" in relation to the Yew tree identified as T1, without modification.

#### **4.0 Consultations**

- 4.1 The Order has been advertised in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012. All parties with an interest in the land have been notified and a copy of the order has been posted close to the site.
- 4.2 One letter of representation has been received objecting to the Tree Preservation Order on the following grounds: -
- The tree is not situated on Main Street and is not highly visible in the village
  - The tree is overgrown and screens the entire property thus reducing light and visibility and furthermore providing cover for potential burglaries.
  - The tree has caused significant damage to the retaining wall adjacent to the highway which is at risk of collapsing.
  - When the wall is replaced the resulting works would likely damage the roots of the tree potentially resulting in its decline.
  - The tree has encroached over half of the front lawn and also the established hedge between No. 6 and No. 8 Shelt Hill causing the lawn to die.

- The tree canopy also encroaches over the driveway which is impairing entry and exit.
- Complaints have been raised from neighbors regarding impaired visibility caused by the tree and the overall poor health of the Yew tree.
- Future plans include replacing the Yew tree with flowers, shrubs and replacement lawn to improve visual amenity.

4.3 Woodborough Parish Council have written in to the Local Planning Authority in support of the Tree Preservation Order.

## **5.0 Considerations of Representations**

5.1 As detailed above, the tree has significant amenity value and while it is not adjacent to Main Street, it is still very prominent within the Woodborough Conservation area and the immediate locality. The tree appears to be healthy and the Forestry Officer has given the tree a score of 4/5 for 'Retention Span'.

5.2 The letter of objection goes on to state that the Yew tree is overgrown, encroaches boundaries, reduces light and has a detrimental impact on visibility for both users of the adjacent highway and local residents turning into their driveways. I would have no objection to appropriate works being undertaken to the tree, provided they are in accordance with good arboricultural practice, and subject to the submission of an application. I am of the opinion that works could be undertaken to satisfactorily address any visibility issues. The presence of the tree will inevitably have an impact on light and vegetation growth within the front garden of the property, but I do not consider this is a justification to remove the tree.

5.3 Repair works to the wall have been cited as a reason to not confirm the TPO. It is however possible to repair/replace the wall in its current location without significantly impacting on the tree roots.

5.4 Finally, I am note that the objector has provided a brief specification of works proposed in place of the existing Yew tree. I do not, however, consider these sufficient in terms of appropriately mitigating the loss of a prominent healthy tree with significant amenity value.

## **6.0 Conclusion**

6.1 For the reasons outlined above it is considered that the objections raised in relation to Tree Preservation Order ref: 000110 "6 Shelt Hill, Woodborough" do not justify non confirmation or modification of the Order.

7.0 **Recommendation:** – **Confirm Tree Preservation Order 000110 without modification.**

This page is intentionally left blank



## Report to Planning Committee

### PLANNING ENFORCEMENT REPORT

**Reference;** 0009/2015

**Location;** The Tower House Newstead Abbey Park  
Station Avenue Newstead

**Breach of Planning Control;** Unauthorised works to a listed building.

#### 1 Background

- 1.1 The Tower House is part of a former stable range c1862 situated to the north west of Newstead Abbey and was first listed (Grade II) on 27<sup>th</sup> April 1987. The stables were designed by M.E. Hadfield in the Gothic Revival Style for the then owner of the Abbey, F.W. Webb. The building also has group value with the grade 1 listed Newstead Abbey, its attached Abbey Church which is a Scheduled Ancient Monument and other grade II listed buildings nearby. The stable block is also located within the grade II\* Park and Garden.
- 1.2 Historic planning permission was granted for the conversion of the stable block at Newstead Abbey into a number of separate residential dwellings.
- 1.3 Following recent investigations about potential unauthorised works at the stable block, it was found that works had been carried out without the benefit of Listed Building Consent to the part of the stable block known as the Tower House which is positioned on the prominent north east corner. The works include:
- i) a replacement white painted dormer window to the front façade of the property
  - ii) a rear dormer window altered to a modern casement style with a bulky frame and the finial removed.
  - iii) the first floor side window over the ground floor canted bay window converted to a modern style double door.
- 1.4 Photographs taken by Nottinghamshire County Council on the 7<sup>th</sup> August 1990 which are kept on the Nottinghamshire County Heritage Environment Record shows the two dormer windows prior to the work taking place and a later photo taken in 2012 shows the changes to the dormer windows were carried out after

this time. In addition, the photographs taken in August 1990 show the first floor side window prior to the installation of the double doors. The photographs demonstrate that the works to the dormer windows took place sometime between 2012 and 2017 and the alterations to the side window took place between 1990 and 2017.

- 1.5 Several letters and emails were sent to the owners in autumn 2017 asking them to make contact with the Council to arrange a meeting to discuss the issues. Eventually a meeting was arranged for the 10<sup>th</sup> January 2018 at the property with one of the landlord owners who admitted they had undertaken works to the front gable dormer window to repair and improve it because the tenant had complained the original window was falling apart. They agreed they were responsible for the work and it took place after 2012 and before 2017.
- 1.6 However, more recently the Council has received notification from the owners that the work to the first floor side window was not undertaken by them. They say they only re-painted the door but it was installed prior to 2006 before they were the owners of the property.
- 1.7 A letter with an attached report about the works was sent to the owners on the 29<sup>th</sup> January 2018 confirming the advice given on site. The letter specified the work required to rectify the matter and gave details of the listed building applications required to be submitted before any further work was carried out. The letter stated the Council was prepared to allow the owners until the 31<sup>st</sup> August 2018 to submit the required applications and complete the work.
- 1.8 Between the end of January 2018 and the current time, officers have kept in contact with the owners by letter, telephone and by meeting at the site to assist and encourage the owners with the application and the required works.
- 1.9 Despite the owners being advised that an application to retain the double doors on the side elevation at first floor level was unlikely to receive officer support and be granted permission, they submitted a retrospective listed building application on the 14<sup>th</sup> August 2018 to regularise the existing doors. However, the information provided is inadequate to allow officers to validate and determine the application. The applicant was advised on the 28<sup>th</sup> August 2018 that further information is required in order to proceed with the application but there has been no further contact from the applicant
- 1.10 Contact was first made with the owners almost 12 months ago and no other applications have been received and no progress has been made towards carrying out work to alleviate the harm caused to the building.

## **2 Site Description**

2.1 The Tower House forms the eastern corner of the stable range situated to the north west of Newstead Abbey. The stable range, built in the Gothic Revival architectural style is grade II listed and is built in a rectangular plan around a courtyard.

### 3 Planning History

3.1

Reference	Proposal	Decision	Date
2005/1026	Listed Building Consent to erect single storey extension & internal alterations.	Granted	28.11.2005
2005/1027	Planning permission to erect single storey extension.	Granted	28.11.2005
2018/0819	Consent is applied in respect of the door leading from the master bedroom onto the balcony, from a dark wood stain to a matt black paint. Insufficient information has been submitted to validate the application.	Invalid	

### 4 Assessment

4.1 The stable block at Newstead Abbey is grade II listed. It is positioned in a Registered Park and Garden which is grade II\* and close to and within the setting of the nationally important grade I listed Newstead Abbey and scheduled priory church.

4.2 The effect of a building being listed is that it is identified by the Secretary of State as being part of a list of buildings of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas) Act (1990) ("the Act").

4.3 The carrying out of works to a listed building without listed building consent is a criminal offence pursuant to section 9 (1) of the Act No application for Listed Building Consent has been submitted and approved for the works undertaken and described at 1.3 above.

#### Planning considerations

4.4 The main planning considerations in this matter are:-

1. Whether or not the alterations materially affect the character or appearance of a listed building.
2. Whether or not the works are authorised.
3. Whether or not the alterations preserve the architectural or historic interest of the building.

4.5 In determining planning applications and applications for Listed Building Consent the following policies are relevant.

The National Planning Policy Framework (NPPF)

- Part 16 - Conserving and enhancing the historic environment

4.6 At a local level;-

The Aligned Core Strategy (ACS) for Gedling Borough (September 2014) provides a strategic policy framework and is now part of the development plan for the area:

- ACS Policy 11: The Historic Environment

4.7 The Gedling Borough Council Local Planning Document (LPD) (adopted July 2018) provides the local policy framework.

- LPD 26 – Heritage Assets
- LPD 27 – Listed Buildings
- LPD 29 Historic Landscapes, Parks and gardens

4.8 Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184 NPPF)

4.9 Paragraphs 193 – 194 of the NPPF states, “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

4.10 If there would be any harm to the asset and/or its setting, policy LDP 26 supports the advice given in the NPPF and requires that a clear justification for the proposal is given so that the harm can be weighed against public benefit. It states that only development proposals that would conserve and/or enhance the significance of a heritage asset will be supported and that development proposals that would cause harm to the significance of a heritage asset will be refused permission unless there are overriding public benefits and mitigation measures are secured.

4.11 LPD27 requires proposals including alterations, extensions or changes of use to Listed Buildings to protect the significance of the heritage asset including its setting.

4.12 It also advises that proposals which conserve and/or enhance the architectural character, historic fabric and detailing of the original building including the retention of the original structure, features, materials and layout/plan-form will be supported but that alterations, extensions and development to or within the setting of a Listed Building should consider scale, form, mass, design, siting, detailing and materials.

4.13 Policy LPD 29 – requires proposals affecting Registered Parks and Gardens (as shown on the Policies Map) to seek to conserve and/or enhance features



which form part of the significance of the asset and ensure that development does not detract from the enjoyment, layout, design, character, appearance or setting of the Registered Park or Garden including key views or prejudice its future restoration.

- 4.14 The unauthorised works to the Tower House consist of the following;

Gabled Dormer window to front façade

- 4.15 The original window design of the dormer window by the architect Hadfield was a two light window with a central mullion. It is considered it would have been timber framed and single glazed. Photographic evidence taken by Nottinghamshire County Council in 1990 and then a later photo taken in 2012 shows the dormer window on the front façade of the property had been changed at some time to a black timber painted single glazed window with a cross casement having a central mullion and upper transom section.
- 4.16 A more recent inspection shows the window was changed again after 2012 to a bulky white painted visually dominant style and the finial (a vertical projecting architectural feature to the apex of a roof) has been removed. It is considered that the alterations affect the character of the building and that the work harms the architectural and historic interest of the building because it is not appropriate to the age and architecture of the building.

Rear dormer window

- 4.17 Photographic evidence shows that in 1990 the window was single glazed timber window with a central mullion and six lights.
- 4.18 The rear dormer window has been altered without consent to a modern casement style with a bulky frame. Once again the finial has been removed. The current window is considered to be inappropriate for the age and architecture of the building. The window materially affects the character and harms the architectural and historic interest of the listed building.

First floor side window over ground floor canted bay window.

- 4.19 The original Hadfield plan of 1862 indicates a two light window at first floor level over the bay window on the side elevation of the property. A photograph taken by Nottinghamshire County Council in 1990 shows the window to be a two light window with a slender central mullion. Given the use of stone in the ground floor bay window and other similar windows in the building and the original Hadfield plan, it is considered that this window would have been stone. The castellation's of the stone parapet over the bay window obscure the lower part of the window however surrounding stone jambs indicate that the window is at full door height.
- 4.20 The inspection carried out at the end of 2017 showed the first floor window has been converted into a modern style double door. The door has a modern bulky form in a stained timber and is inappropriate for the age and architecture of the listed building. The works affect the character of the listed building and harm its architectural and historic interest.

- 4.21 The Tower House is a grade II listed building located in a prominent location within the grade II\* Registered Garden of Newstead Abbey. A clear view of the dwelling can be seen from the front of the Grade 1 listed Newstead Abbey and attached scheduled priory church. The white dormer window on the front façade is particularly conspicuous and looks incongruous with the rest of the stable block.
- 4.22 It is considered that the level of harm to the listed building (Tower House) is substantial and that had Listed Building Consent been applied for the work described and which affects the character of the building its setting and setting of nearby listed buildings and the listed registered Park and Garden, permission would have been refused. The alterations are in conflict with the above national and local planning policies.

#### Time Limits

- 4.23 There is no statutory time limit for taking action for unauthorised work to a listed building. It is clear that the alterations to the dormer windows have taken place between 2012 and 2017 and the alteration to the first floor side window has taken place between 1990 and 2017. The Council is within time to commence enforcement proceedings.

#### Action available

- 4.24 The carrying out of unauthorised works to a listed building is an offence of strict liability and the local planning authority may prosecute for the offence in the Magistrates Court. The Local Planning Authority also has discretion to issue a Listed Building Planning Enforcement Notice to the owners requiring works to rectify the harm caused even if the works were carried out by a previous owner. Alternatively, the Local Authority may issue an enforcement notice **and** also prosecute for the offence.

#### Human Rights

- 4.25 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.26 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control is in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not

complied with, will result in interference with the recipients' rights. However, it is considered that issuing a listed building enforcement notice in the first instance followed by proceedings in the magistrates Court if the notice is not complied with would be a proportionate response to the breach of planning control.

#### Equalities

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

#### Crime and disorder

- 4.29 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. As stated earlier it is a criminal offence under the Planning (listed building and conservation area) Act 1990 to carry out works to a listed building without consent. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.
- 4.30 It is therefore considered expedient to now serve a listed building enforcement notice requiring the owners to;
- i) reinstate to the front a two light single glazed timber framed window painted black frame with a central timber mullion as per Hadfields drawing and a timber finial to the apex of the roof of the dormer window; These to be reinstated in place of the white painted dormer window on the front façade and the missing finial.
  - ii) reinstate the rear dormer window to its design of 1990 but painted black, a colour often used at the time the building was first erected and which would complement the roof slates. The finial should also be reinstated.
  - iii) reinstate a two light window with a central stone mullion as per the original plan of 1860 and the 1990 photo. It should be single glazed and may be with leaded lights in a diamond pattern to match others in the building.

The windows may all be secondary glazed to improve thermal efficiency and should comply with relevant Building Regulations.

## **5 Conclusion**

- 5.1 A breach of planning control has been identified which is contrary to national and local planning policies intended to preserve the historic environment and heritage assets.
- 5.2 The works are unauthorised and although some of the works may have been carried out by a previous owner, the current owners can still be required to correct the harm caused by the work. In any case the current owners admit carrying out some of the works after 2012.
- 5.3 Negotiations with the owners have failed to rectify the breach and failure of the Council to act in these circumstances will result in the character of the listed building continuing to be adversely affected by these unauthorised works in a prominent location and on full view to visitors to the Abbey and its grounds.
- 5.4 The Council should now commence enforcement action without delay by issuing a listed building enforcement notice in the terms advised above and if the notice is not complied with proceedings should be taken in the courts as necessary.

## **6 Recommendation**

- 6.1 That the Service Manager, Development Services, in conjunction with the Director of Organisational Development & Democratic Services, be authorised to take all necessary planning enforcement action including the service of a listed building enforcement notice and proceedings through the courts if required to ensure improvement works are carried out to negate the impact of the existing unauthorised works to the two dormer windows and the first floor side window at the Tower House, Newstead Abbey Park, Station Avenue, Newstead.**



## Report to Planning Committee

### PLANNING ENFORCEMENT REPORT

**Reference;** 0090/2018  
**Location;** Land to the west of 47A Riverside Stoke Bardolph  
**Breach of Planning Control;** The construction of an unauthorised building.

#### **1 Background**

- 1.1 Members will recall the report brought to the Committee meeting on the Wednesday 8<sup>th</sup> August 2018 relating to the construction of the unauthorised building at Stoke Bardolph. The report was brought as an urgent item after a site visit by officers identified a serious breach of planning control which involved the construction of an unauthorised building in a flood zone 3 location.
- 1.2 Negotiations had failed to resolve the issue and a Temporary Stop Notice had been served but it was considered further action was necessary in order to apprehend the breach. At the meeting on the 8<sup>th</sup> August, Members resolved “that the Service Manager, Development Services, in conjunction with the Director of Organisational Development and 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.”
- 1.3 The purpose of this report is to update Members after additional meetings with the owner and site visits and further substantial consideration. There are no changes to the background, site description and site history from the previous report. However, there has been a re-assessment of the unauthorised development and of both national and local policies that should be applied.

#### **2 Assessment**

- 2.1 The site is situated in the rural village of Stoke Bardolph in the rear garden of 47A Riverside which is a detached two storey dwelling. The unauthorised building is accessed by a shared drive way from the public highway known as Riverside along the side of No. 47 and 47A Riverside. There is a football ground to the west of the property and other residential properties to the east and south and a public house to the north.

- 2.2 Stoke Bardolph is situated in the Nottinghamshire Green Belt in close proximity to the River Trent and falls within flood zone 3 as defined by the Environment Agency.
- 2.3 At a recent meeting with the owner and the appointed planning consultant, the owner stated land levels had been raised on the site with the intentions of ensuring the unauthorised development was brought from a flood zone 3 area into a flood zone 2. Increasing land levels in this manner requires planning permission.
- 2.4 The owner has accepted that the height of the building exceeds the dimensions permitted by Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). In addition, the owner stated they had not yet decided what the building will be used for but he then contradicted himself and said he was going to rent the building out to a friend as a garage for his vintage cars. This use would not be incidental to the enjoyment of the main dwelling and as a result it cannot therefore be classed as a building permitted by Class E of the GPDO even if the height of the building was reduced.
- 2.5 Since the meeting, a retrospective planning application has been received seeking permission for the building to be used as a residential annex for the occupation of the applicant but as an enforcement notice has already been served, the local planning authority has declined to determine the planning application under section 70C(1) of the Town and Country Planning Act 1990 (as amended). Furthermore, the key judgment in *Rambridge* is that Class E was not intended to include buildings designed from the start as primary residential accommodation and an annex building designed for residential accommodation cannot therefore be considered permitted development under Class E of the GPDO.
- 2.6 There have been two previous planning applications for a dwelling on the site which have both been refused. (reference 2015/1176 and 2016/0551)
- 2.7 The applicant has subsequently submitted an appeal against the enforcement notice on the grounds that planning permission should be granted for the building (ground 'a' appeal). The appeal is with the Planning Inspector awaiting confirmation it is a valid appeal and for a start date to be given.

#### Planning considerations

- 2.8 The main planning considerations in this matter are, the principle of the development, the impact of the development to the openness and character of the Green Belt, impact of the proposal on the residential amenity of occupants

of the neighbouring properties, impact to highway safety, flood risk as well as the visual impact of the proposal on the character and appearance of the locality.

2.9 The following policies are relevant to this matter:

2.10 National Planning Policy Framework (NPPF)

- Part 13 - Protecting the Green Belt
- Part 14 - Meeting the challenge of climate change, flooding and coastal change

2.11 At a local level, the Aligned Core Strategy (ACS) for Gedling Borough (adopted September 2014) Part 1

- ACS Policy A: Presumption in Favour of Sustainable Development
- ACS Policy 3: The Green Belt
- ACS Policy 10: Design and Enhancing Local Identity

2.9 The following Local Planning Document Policies (adopted July 2018) are also relevant to the development:

- LPD 3: Managing Flood Risk
- LPD 15 Infill Development within the Green Belt
- LPD 32: Amenity
- LPD 34: Residential Gardens
- LPD 35 Safe: Accessible and Inclusive Development
- LPD 61 Highway Safety

#### Green Belt

2.10 The unauthorised building can be seen over the close boarded fence along the northern boundary of the site by visitors and supporters using the track to the north of the development as they enter the sports field and by supporters and players when on the sports field. It can also be seen from the highway near to the access of the site.

2.11 Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

2.12 Whilst there is no specific definition of openness in the NPPF, this is a concept which relates to the absence of built form; it is land that is not built upon. Openness is therefore epitomised by the lack of buildings, but not by

buildings that are unobtrusive, camouflaged or screened in some way. Any construction harms openness quite irrespective of its impact in terms of obtrusiveness or its aesthetic attractions.

- 2.13 An individual building could have minimal impact, however there is a clear distinction between visual impact and openness and I consider that there would be some significant adverse impact on the openness of the surrounding countryside by way of the cumulative encroachment of development arising from this proposal along with the previous buildings erected at the site.
- 2.14 Policy LPD15 – ‘Development within the Green Belt’, states inter-alia that ‘Within the villages of Linby Papplewick and Stoke Bardolph, those parts of Lambley and Woodborough that are within the Green Belt and within the boundaries of previously developed sites within the Green Belt, the construction of new buildings is not inappropriate provided...(b) the proposal is for development of a gap within a village or site which is enclosed by buildings on at least two sides.
- 2.15 After looking at aerial photographs, it was initially thought the unauthorised development was enclosed on two sides and could benefit from the policy but a recent site visit shows the unauthorised building in situ has a building only on one side which is the dwelling approved under 2016/0551. The supporter’s stadium on the adjacent sports field is separated from the development by a track and is off set to the south west of the unauthorised development.
- 2.16 The proposed building would therefore not be infill development as previously reported and would not meet the exceptions listed in LPD15. As a result the development would be inappropriate development in the Green Belt and should not be approved except in very special circumstances. In my view it is considered that no very special circumstances have been forwarded that would outweigh the harm to the Green Belt by reason of the buildings inappropriateness.
- 2.17 It should also be noted that the subtext of LPD15 states ‘Where the gap covers residential garden land, Policy LPD34 which restrict the circumstances where garden land can be developed applies’. Policy LPD34 – Residential Gardens states that the loss of residential gardens will not be permitted unless... b) in all cases, any development of residential garden land should not result in harm to the character and appearance of the area. In my view it is considered that the building would have an adverse impact on the character of the area.

#### Impact on residential amenity

- 2.18 A boundary fence has been erected between the existing property and the unauthorised development giving each building its own curtilage. At over 76sq metres the footprint of the unauthorised building is considerably larger



than for the two storey dwellings which were previously refused permission on the site and cannot be considered to be subservient the existing dwelling which has a foot print of about 85 sq. metres.

- 2.19 The development has the appearance of a single storey dwelling, fitted with its own separate services including water, gas and electricity. At the time of the Council's site visits markings on the floors and walls showed where each of the internal walls were to be erected between the rooms and the position of kitchen units and door openings. When these features were pointed out to the owner he did not offer any explanation about the markings or deny the building was intended to be a dwelling.
- 2.20 The development with this larger footprint is considered to be cramped and contrived on this plot of land. It is overlooked from the balcony on the rear bedroom at No. 47A and has little private amenity space.
- 2.21 Further information now available since the initial report was presented indicates the only access to the site is via a shared driveway to the south of the application site which currently facilitates vehicular access for 47 and 47A Riverside. The use of the proposed southern access point would require traffic to pass in close proximity to the side of both properties and it is noted the external door to No. 47 opens directly onto the shared drive way. Anyone exiting the property could walk straight into an oncoming vehicle and this is a particular concern for any children living or visiting the property.
- 2.22 In my opinion, the increase of vehicular traffic to access the new building would be to the detriment of the amenity and safety of the residents at No 47 due to the vehicles passing within very close proximity to the main door of this property.

#### Impact on highway safety

- 2.23 The Highways Authority has previously advised in these circumstances the information submitted with previous applications does not satisfy the requirements of the Authority. The development would need to be served by a wider drive from the highway to allow two cars to pass, and have a minimum width of 3.7m.

#### Impact on Character and Appearance of the Area

- 2.24 Stoke Bardolph is a historic village set in rural countryside and has a close relationship with the River Trent to the east of the application site. The character set by the properties on Riverside is semi-detached dwellings set back from the highway with long, linear gardens to the rear.

- 2.25 Application ref. 2013/0680 established the site as domestic curtilage to 47A Riverside. Policy LPD34 of the Local Development Plan sets out that development involving the loss of residential garden will not be permitted unless the proposal is a more efficient use of land at the location where higher densities are appropriate. In all cases, the development should not result in harm to the character and appearance of an area.
- 2.26 Higher densities are not appropriate in this rural village and the development appears hemmed in behind the existing dwelling onto a small plot with limited amenity space. The building can be seen from outside of the site both from within the sports field and from the access track to the sports field. There is also a limited view of the building from Stoke Lane close to the main access to the site. In my opinion it is considered that there is an adverse impact on the character of the area caused by a cramped development with little functional garden space.

#### Flood Risk

- 2.27 The site falls within Flood Zone 3, and a Flood Risk Assessment is therefore required for this development. To meet the needs of the NPPF, a sequential test needs to successfully demonstrate there are no other alternative sites that are reasonably available for the development in an area with a lower probability of flooding. The information submitted with the 2016 application failed the sequential test.
- 2.28 The Environment Agency have advised in their consultation response to the 2015 and the 2016 application that even if an acceptable floor level could be achieved at the property which would allow residents to take refuge at first floor level during in a flood, they would not be able to safely evacuate. The Environment Agency are concerned about safe access and egress from the proposed development as the exit route could be flooded to a depth in excess of 2 metres. They stated it is unreasonable to expect to increase the pressure on the emergency services by relying on them to assist evacuation especially in circumstances where it may be unsafe for them to enter deep, fast flowing flood water.
- 2.29 The Sequential Test has not been met as required by Paragraph 156 of the NPPF and Policy LPD 3 Managing Flood risk and a full site-specific flood risk assessment has not been carried out to the fulfil the requests of the EA. Therefore, in accordance with the Environment Agency's consultee response, there is absence of relevant statutory information required for development at this location and the development cannot be supported without the consideration of these factors.

#### Action Taken

- 3.2 The Temporary Stop Notice expired on the 28<sup>th</sup> August 2018. It was recommended and resolved by Members that all necessary enforcement

action should be taken including through the courts if necessary to apprehend the breach of planning control.

- 3.2 Consideration was given by officers to issuing a notice requiring the building to be reduced in size in order that it could benefit from permitted development granted under Class E of the GPDO. However, investigations showed that the land levels had been increased and the evidence available to the Council indicated the building was never intended to be incidental to the enjoyment of the dwelling from the start.
- 3.3 In these circumstances the Council did not have the option of requiring the reduction in the dimensions of the building as the raised land levels cannot be reduced unless the building is first demolished.
- 3.4 The Council has therefore issued a notice on the 15<sup>th</sup> August 2018 requiring that the building be demolished, land levels be reduced to their natural level and the land returned to a condition before the breach took place. The notice also requires the boundary fence separating the existing dwelling and the unauthorised building be removed returning the land as part of the garden to No. 47A. The notice allows six calendar months for compliance but the pending appeal has the effect of suspending the time limit until an Inspectors' decision is given.

## **6 Recommendation**

- 6.1 Members to note the contents of the report and the changes to officers assessment**

This page is intentionally left blank

## **ACTION SHEET PLANNING DELEGATION PANEL 31st August 2018**

2018/0481

224 Oakdale Road Carlton NG4 1AH

Proposed two storey side/rear extension, single storey front/rear extensions and raised decking area to rear.

The proposed development would not have an undue impact upon the residential amenity of nearby properties or upon the character of the area. In terms of the highways impact, the proposal would not have an adverse impact upon highway safety, subject to the receipt of an amended plan to provide a total of two off street car parking spaces.

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

Decision to be issued following completion of paperwork.

2018/0670

20A Baker Avenue Arnold Nottinghamshire

Erection of garage & front porch.

The proposed development would not have an undue impact upon the residential amenity of nearby properties or upon the character of the area.

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

Decision to be issued following completion of paperwork.

2018/0661

75 Whittingham Road Mapperley NG3 6BH

Erection of single storey rear and side extension together with patio

The proposed development would not have an undue impact upon the residential amenity of nearby properties or upon the character of the area.

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

Decision to be issued following completion of paperwork.

2018/0693

148 Mapperley Plains Mapperley Nottinghamshire

Erect 1 No. dwelling

The proposed development would not have an undue impact upon the residential amenity of nearby properties, highway safety, or the character of the area.

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

Decision to be issued following completion of paperwork.

2018/0672  
34 Sheepwalk Lane Ravenshead Nottinghamshire  
Boundary wall and entrance gate.

The proposed development 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.

Mike Avery  
**Service Manager, Development Services**  
31st August 2018

## **ACTION SHEET PLANNING DELEGATION PANEL 7th September 2018**

2018/0498

Gardeners Cottage Hall Lane Papplewick  
Erection of garage building

The proposed development would not comply with national and local Green Belt planning policies.

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

Decision to be issued following completion of paperwork.

2018/0545

Plemont Private Road Woodborough  
First floor extension to create two storey dwelling, pitched roof to existing garage and external alterations

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.

2018/0674

82 Cliff Road Carlton NG4 1BT  
Outline planning application with all matters reserved for 1no. dwelling

The development site could not accommodate a dwelling in a manner that would be visually acceptable and not cause harm to residential amenity.

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

Decision to be issued following completion of paperwork.

**Graham Wraight – 7th September 2018**

This page is intentionally left blank



**ACTION SHEET PLANNING DELEGATION PANEL 14th September 2018**

2018/0395TPO

Glebe Farm Glebe Drive Burton Joyce

Crown lift and prune trees subject to the TPO. Remove dead and unhealthy trees.

Remove and replant any tree subject to the TPO which impedes access to the land.

The proposed development would have no undue impact on the visual amenity of the area.

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

Decision to be issued following completion of paperwork.

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 on the character of the area, the amenity of nearby residential properties or on highway safety.

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

Decision to be issued following completion of paperwork.

2018/0538

19 Bulcote Drive Burton Joyce Nottinghamshire

Erection of posts and trellis

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

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

Decision to be issued following completion of paperwork.

2018/0542

20-22 Westdale Lane East Gedling

Single Storey Rear Extension.

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

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

Decision to be issued following completion of paperwork.

2018/0650

Land South Sycamores Moor Road Bestwood

Erection of 8no. Four and Five-bedroom dwelling with associated parking at Moor Lane, Bestwood Village.

Withdrawn from the agenda.

2018/0703

284 Longdale Lane Ravenshead Nottinghamshire

The relocation of tractor shed and stable as previously approval lapsed and the provision of a manege.

The proposed development would have no undue impact on the openness of the Green Belt or the visual amenity of the area.

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

Decision to be issued following completion of paperwork.

2018/0748TPO

12 Oakwood Drive Ravenshead Nottinghamshire

Tree works.

The proposed development would have an undue impact on the visual amenity of the area.

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

Decision to be issued following completion of paperwork.

2018/0791

Land Adjacent 21 Lowdham Lane Woodborough

Variation of Condition 6 on planning permission 2016/1099 to change the screening proposed to the side boundaries of the rear balcony.

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

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

Decision to be issued following completion of paperwork.

**Graham Wraight and David Gray – 14th September 2018**

This page is intentionally left blank



## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 24/08/2018

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.

<b><u>App No</u></b>	<b><u>Address</u></b>	<b><u>Proposal</u></b>	<b><u>Possible Date</u></b>
2018/0115	Lakeside Mansfield Road Bestwood	Proposed hotel	07/11/2018
2017/1263	Land Adj. Dark Lane Calverton	Erect 54 dwelling	07/11/2018
2016/0347	26 Vale Road Colwick	Section 73 application to amend Condition 12 (approved plans) on 2008/028	07/11/2018
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	07/11/2018
2018/0360	Main Street Calverton	Outline planning for up to 79 dwellings	07/11/2018
2018/0607	Park Road Calverton	Outline planning for up to 430 dwellings	07/11/2018
2018/0926	Land North side of Briarbank Avenue Carlton	Erect 12 apartments	07/11/2018
2018/0347	Land between Mansfield Road and Calverton Road Arnold	Outline planning for up to 148 dwellings	07/11/2018
2017/1571	Development Site Chase Farm Arnold Lane Gedling	Erection of employment units, pub/restaurant and Drive Thru	07/11/2018

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.

This page is intentionally left blank